

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DELISTA TOPCAGIC**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 21A-UI-23488-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

On October 1, 2021, the claimant Delista Topcagic appealed the September 21, 2021, (reference 02) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$1,036.00 for the two-week period ending August 15, 2020. A telephone hearing was held at 10:00 a.m. on Tuesday, December 14, 2020, pursuant to due notice and was consolidated with the hearing for 21A-UI-23489-LJ-T. The claimant, Delista Topcagic, participated. Claimant's Exhibit A was received and admitted into the record. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$1,036.00 for the two-week period ending August 15, 2020.

On November 10, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that disqualified claimant from receiving **regular unemployment insurance** benefits. That decision has been affirmed. See 20A-UI-14856-DZ-T.

The administrative record indicates claimant has not yet applied for Pandemic Unemployment Assistance benefits. These benefits were specifically created for individuals who were unemployed and either unable to work or unavailable for work due to the COVID-19 pandemic.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid regular unemployment insurance benefits for the period in question.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

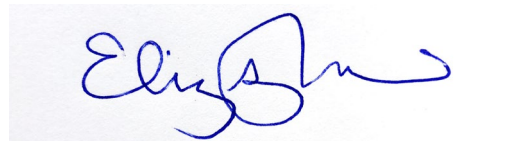
- a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.
- b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid regular unemployment insurance benefits in the amount of \$1,036.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**Note to Claimant:** If you do not qualify for regular unemployment insurance benefits and were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at: [www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)

**DECISION:**

The September 21, 2021 (reference 02) decision is affirmed. Claimant has been overpaid **regular unemployment insurance** benefits in the amount of \$1,036.00, which must be repaid.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

February 1, 2022  
Decision Dated and Mailed

lj/lj