

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LINDA R WAGNER
Claimant

APPEAL NO. 21A-UI-19018-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/14/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On August 28, 2021, the claimant Linda R. Wagner appealed the August 27, 2021, (reference 03) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$5,871.00 for the fourteen-week period ending October 3, 2020. A telephone hearing was held at 10:00 a.m. on Thursday, October 21, 2021, pursuant to due notice. Appeal numbers 21A-UI-19017-LJ-T, 21A-UI-19018-LJ-T, 21A-UI-19019-LJ-T, and 21A-UI-19020-LJ-T were heard together and created one record. The claimant, Linda R. Wagner, participated. The employer, Polk County, did not register and did not participate. 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 \$5,871.00 for the fourteen-week period ending October 3, 2020. On October 13, 2020, Iowa Workforce Development (IWD) issued a decision (reference 02) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been modified in favor of the claimant. See 21A-UI-19017-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

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

7. Recovery of overpayment of benefits.

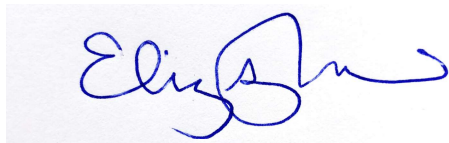
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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 not been overpaid regular unemployment insurance benefits in the amount of \$5,871.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been modified in favor of the claimant.

DECISION:

The August 27, 2021 (reference 03) decision is reversed. Claimant has not been overpaid regular unemployment insurance benefits in the amount of \$5,871.00.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 29, 2021
Decision Dated and Mailed

lj/kmj