

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ROSE M SAMPLES**  
Claimant

**APPEAL 21A-UI-03653-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/26/20  
Claimant: Appellant (4R)**

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

**STATEMENT OF THE CASE:**

On January 23, 2021, the claimant Rose M. Samples appealed the January 20, 2021, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,549.00 for the ten-week period ending July 4, 2020, as a result of a disqualification decision. A telephone hearing was scheduled and held on Wednesday, March 17, 2021, pursuant to due notice. The claimant, Rose M. Samples, participated. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision that has been reversed. See 21A-UI-03651-LJ-T. Based on the reversal of the disqualification decision, claimant has not been overpaid for nine weeks, in the amount of \$2,466.00.

There is an outstanding question regarding whether claimant was eligible for partial unemployment benefits for the one week ending July 4, 2020, as a part-time employee working at her part-time job. This matter will be remanded for further investigation of that issue.

**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 unemployment insurance benefits in the amount of \$2,466.00 pursuant to Iowa Code § 96.3(7) as the underlying disqualification decision that created the overpayment decision has been reversed.

**DECISION:**

The January 20, 2021, (reference 03) unemployment insurance decision is modified in favor of claimant Rose M. Samples. The claimant has not been overpaid unemployment insurance benefits in the amount of \$2,466.00.

**REMAND:**

The issues of whether claimant was partially unemployed for the week ending July 4, 2021, and whether claimant was eligible for the benefits she received during that one week are remanded to the Benefits Bureau for further investigation.



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Elizabeth A. Johnson  
Administrative Law Judge  
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March 19, 2021  
Decision Dated and Mailed

lj/ol