

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAFAEL GREENE
Claimant

APPEAL 21A-UI-00544-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1-R)

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

STATEMENT OF THE CASE:

On November 23, 2020, Rafael Greene (claimant) appealed an unemployment insurance decision dated November 12, 2020, reference 03, that concluded he was overpaid \$4,728.00 in unemployment insurance benefits. After due notice was issued, a hearing was held on February 13, 2021. The claimant participated. The claimant offered three documents into the record; however, they were not admitted because they were not relevant to the issues for this hearing. The administrative law judge took official notice of the administrative record, specifically the administrative law judge decisions in appeal 20A-UI-07000-SC-T.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 19, 2020. The claimant filed for and received a total of \$4,728.00 in unemployment insurance benefits for the eight weeks between April 19 and June 13. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits was affirmed on August 7 in a decision of the administrative law judge (ALJ) in appeal 20A-UI-07000-SC-T. The ALJ's decision was not appealed to the Employment Appeal Board (EAB) within fifteen days and has become final agency action.

The claimant has self-certified for Pandemic Unemployment Assistance (PUA); however, agency records show the Benefits Bureau has not yet made a determination on his eligibility.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits, which must be repaid.

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.

Since the decision disqualifying the claimant was affirmed, and has become final agency action, the claimant has been overpaid \$4,728.00 in unemployment insurance benefits.

The issue of whether the claimant is eligible for PUA is remanded to the Benefits Bureau for a determination.

DECISION:

The unemployment insurance decision dated November 12, 2020, reference 03, is affirmed. The claimant was overpaid \$4,728.00 in unemployment insurance benefits, which must be repaid.

REMAND:

The claimant has self-certified for PUA, but no decision has been made. The issue of whether the claimant is eligible for PUA is remanded to the Benefits Bureau for a determination.



Stephanie R. Callahan
Administrative Law Judge

February 24, 2021
Decision Dated and Mailed

src/scn