

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER A LAMB
Claimant

APPEAL 22A-UI-03385-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the January 18, 2022 (reference 06) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was scheduled for March 21, 2022. Claimant was present with her husband and non-attorney representative Michael Lamb. No hearing was held because claimant requested that a decision be made based upon the administrative record. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI benefits

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed for and has received UI benefits in the gross amount of \$3,751.44 for eight weeks between May 10, 2020 and October 17, 2020.

On January 5, 2022, an Administrative Law Judge issued a decision denying claimant UI benefits. (See appeal 21A-UI-22653-CS-T) The employment appeal board affirmed the denial and modified the effective date to May 16, 2020. Therefore, claimant is not eligible for benefits effective May 10, 2020.

Claimant has been approved for Pandemic Unemployment Assistance (PUA) benefits effective May 10, 2020. (See appeal 22A-DUA-00039-AW-T) Claimant has received no PUA benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

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.

The decision that denied claimant UI benefits remains in effect. Therefore, claimant has received UI benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid UI benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The January 18, 2022 (reference 06) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$3,751.44, which must be repaid.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for release of PUA benefits for the weeks that claimant has not already received UI and for determination of the net amount of benefits owed to claimant.



Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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March 30, 2022
Decision Dated and Mailed

acw/ACW