

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESTANIE L SIMS
Claimant

APPEAL NO. 22R-UI-08303-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On October 22, 2021, Jestanie Sims (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated October 12, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,750.00 for the 24-week period between April 26 and October 10, 2020 as a result of a prior decision denying benefits.

A telephone hearing was set for December 15, 2021. Claimant did not appear for the hearing and a default decision was issued. Claimant appealed the default decision to the Employment Appeal Board (EAB). The EAB remanded for another hearing.

A telephone hearing was held on May 20, 2022, pursuant to due notice. Appeal Nos. 22R-UI-08303-AD-T, 22R-UI-08305-AD-T, and 22R-UI-08306-AD-T are related and were heard together. Claimant participated personally. No exhibits were admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

FINDINGS OF FACT:

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

The administrative record shows claimant received UI in the amount of \$6,750.00 during the period in question. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 14, 2020. Claimant appealed that decision. It was affirmed by ALJ Zeno in a decision dated December 22, 2020. That decision remains in force. See 20A-UI-12868-DZ-T.

Claimant subsequently applied for Pandemic Unemployment Assistance (PUA). PUA was allowed in a decision dated December 29, 2020. PUA was allowed effective March 29, 2020 and continuing through June 12, 2021 in the amount of \$294.00 per week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated October 12, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,750.00 for the 24-week period between April 26 and October 10, 2020 as a result of a prior decision denying benefits is AFFIRMED.

Iowa Code section 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 record shows claimant received UI in the amount of \$6,750.00 during the period in question. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 14, 2020. Claimant appealed that decision. It was affirmed by ALJ Zeno in a decision dated December 22, 2020. That decision remains in force. See 20A-UI-12868-DZ-T.

Claimant received UI in the amount of \$6,750.00 for which she was ineligible. Claimant was therefore overpaid UI in that amount.

DECISION:

The decision dated October 12, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,750.00 for the 24-week period between April 26 and October 10, 2020 as a result of a prior decision denying benefits is AFFIRMED.

REMAND:

This matter is REMANDED to the Benefits Bureau for issuance of PUA and related payments to claimant during the periods she was ineligible for UI but was eligible for PUA. IWD may withhold PUA and related payments to the extent allowed by law to recover outstanding overpayments.



Andrew B. Duffelmeyer
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.