

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DESIREE L EVANOFF**  
Claimant

**JADECC'S INC**  
Employer

**APPEAL 20A-UI-13854-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On November 2, 2020, Desiree L. Evanoff (claimant) appealed an unemployment insurance decision dated October 23, 2020, reference 03, that concluded she was overpaid \$1,400 in regular unemployment insurance benefits. The parties were properly notified about the hearing held by telephone on January 5, 2021 and consolidated with the hearings for appeals 20A-UI-13853-SC-T and 20A-UI-13855-SC-T. The claimant participated personally. Jadecc's, Inc. (employer) did not respond to the hearing notice and did not participate. The department's Exhibits D1 and D2 were admitted into the record.

**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 \$1,400 in regular unemployment insurance benefits for the five weeks between April 19 and May 23. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 20A-UI-13853-SC-T.

**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 has been affirmed, the claimant was overpaid \$1,400 in unemployment insurance benefits. These benefits must be recovered, even if the claimant acts in good faith and is not otherwise at fault.

**DECISION:**

The unemployment insurance decision dated October 23, 2020, reference 03, is affirmed. The claimant was overpaid \$1,400 in unemployment insurance benefits, which must be repaid.



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Stephanie R. Callahan  
Administrative Law Judge

January 21, 2021  
Decision Dated and Mailed

src/kmj