

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DEREK A RYAN**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL NO. 20A-UI-13817-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/22/19  
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 27, 2020 (reference 02) decision that held he was overpaid \$1,090.00 in regular benefits, based on a decision that denied benefits in connection with a determination that the claimant was not able and available for work. After due notice was issued, a hearing was held on January 4, 2021. The claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 20A-UI-13816-JTT and 20A-UI-13818-JTT. Exhibits A through G were received into evidence. The Administrative Law Judge took official notice of the following agency administrative records: DBIN, KPYX and KCCO.

**ISSUES:**

Whether the claimant was overpaid \$1,090.00 in regular benefits for the period of April 12, 2020 through April 25, 2020, based on a decision that denied benefits in connection with a determination that the claimant was not able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: the claimant established an original claim for benefits that was effective December 22, 2019 and an additional claim for benefits that was effective April 12, 2020. In connection with the additional claim, the claimant made a weekly claim for the week that ended April 18, 2020 and for the week that ended April 25, 2020. The claimant received regular unemployment insurance \$1,090.00 in regular benefits and \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the two-week period.

On June 12, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective April 12, 2020, based on the deputy's conclusion that the claimant requested and was granted a leave of absence, was voluntarily unemployed, and was unavailable for work. The June 12, 2020, reference 01, decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 20A-UI-13816-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Iowa Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Though the October 27, 2020 (reference 02) overpayment decision makes reference to a decision dated October 27, 2020 that denied benefits, the disqualification decision in question was actually the June 12, 2020 (reference 01) decision. Because that disqualification decision has been affirmed on appeal, the \$1,090.00 in regular benefits that the claimant received for the period of April 12, 2020 through April 25, 2020, is an overpayment of benefits that the claimant must repay.

**DECISION:**

The October 27, 2020 (reference 02) decision is affirmed. The claimant was overpaid \$1,090.00 in regular benefits for the period of April 12, 2020 through April 25, 2020. The claimant must repay the overpaid benefits.



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James E. Timberland  
Administrative Law Judge

January 22, 2021  
Decision Dated and Mailed

jet/scn