

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JENNIFER DUNKER**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 21A-UI-20405-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (3)**

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

**STATEMENT OF THE CASE:**

On September 6, 2021, Jennifer Dunker (claimant/appellant) appealed the decision dated August 26, 2021 (reference 09) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$990.37 for the five-week period ending July 11, 2020 as a result of a prior decision denying benefits.

Claimant requested the hearing be rescheduled twice. Those requests were granted. A telephone hearing was held on January 26, 2022, pursuant to due notice. Claimant participated personally. 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:

Claimant filed a claim for benefits with an effective date of March 15, 2020. Claimant received regular, state unemployment insurance benefits (UI) totaling \$3,642.37 from the benefit week ending March 21, 2020 through the benefit week ending July 11, 2020.

Claimant received Pandemic Emergency Unemployment Compensation (PEUC) totaling \$1,989.00 from the benefit week ending July 18, 2020 through the benefit week ending September 12, 2020.

Claimant received Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 per week for a total of 17 weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending July 25, 2020. The total amount of FPUC paid during this period was \$10,200.00.

Claimant received Lost Wage Assistance Payments (LWAP) in the amount of \$300.00 per week for a total of six weeks, from the benefit week ending August 1, 2020 and continuing through the

benefit week ending September 5, 2020. The total amount of LWAP paid during this period was \$1,800.00.

Claimant was subsequently determined to be ineligible for benefits during the weeks filed in decisions dated June 16, 2021. See 21A-UI-05690-B2-T; 21A-UI-05696-B2-T; 21A-UI-05698-B2-T; 21A-UI-05702-B2-T. Those decisions remain in force.

The administrative law judge notes claimant was allowed benefits beginning March 22, 2020 in a decision dated February 17, 2021, so long as she met all other eligibility requirements. That decision was not appealed further. Because decisions were subsequently entered finding her ineligible for benefits during that period, she does not meet all other eligibility requirements to be eligible during that period.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated August 26, 2021 (reference 09) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$990.37 for the five-week period ending July 11, 2020 as a result of a prior decision denying benefits is MODIFIED in favor of the Department.

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.

Claimant received regular, state unemployment insurance benefits (UI) totaling \$3,642.37 from the benefit week ending March 21, 2020 through the benefit week ending July 11, 2020.

Claimant was subsequently determined to be ineligible for benefits during the weeks filed in decisions dated June 16, 2021. See 21A-UI-05690-B2-T; 21A-UI-05696-B2-T; 21A-UI-05698-B2-T; 21A-UI-05702-B2-T. Those decisions remain in force.

Claimant received UI totaling \$3,642.37 during a period in which she was later determined to be ineligible for UI. She has therefore been overpaid in that amount.

**DECISION:**

The decision dated August 26, 2021 (reference 09) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$990.37 for the five-week period ending July 11, 2020 as a result of a prior decision denying benefits is MODIFIED in favor of the Department. The total UI overpayment amount is \$3,642.37.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

February 15, 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.