

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIM J SMITH
Claimant

APPEAL 21A-UI-13399-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/21/20
Claimant: Appellant (1)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Claimant Tim J. Smith appealed a representative's decision dated May 27, 2021, (reference 05) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 24, 2021, and was consolidated with the hearing for appeal 21A-UI-13400-S2-T. The claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On January 13, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant UI benefits. That decision has been affirmed. See 21A-UI-03337-DZ-T; 21B-UI-03337. Claimant did receive benefits in the gross amount of \$4,884.00.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid unemployment insurance benefits.

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.

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 law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$4,884.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The decision of the representative dated May 27, 2021, (reference 05) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$4,884.00 to which he was not entitled and those benefits must be recovered in accordance with the law.



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

July 30, 2021
Decision Dated and Mailed

sa/scn