

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REH SHAW
Claimant

APPEAL 21A-UI-18021-ED-T
ADMINISTRATIVE LAW JUDGE
DECISION

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

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

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the January 26, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on October 4, 2021, at 9:05 a.m. Claimant participated. Language Link provided interpretation services. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI in the gross amount of \$4,905.00 for the 9-week period between April 26, 2020 and June 27, 2020. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits (and resulted in the overpayment) has been affirmed (see 21A-UI-18020-ED-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

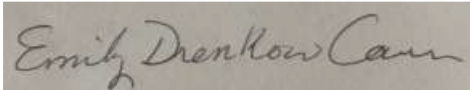
7. Recovery of overpayment of benefits.

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.

Because claimant's separation was disqualifying, benefits were paid to which claimant was not entitled. The administrative law judge concludes that the claimant has been overpaid UI in the amount of \$4,905.00 for the 9-week period between April 26, 2020 and June 27, 2020. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The January 26, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$4,905.00 for the 9-week period between April 26, 2020 and June 27, 2020, which must be repaid.



Emily Drenkow Carr
Administrative Law Judge

October 5, 2021
Decision Dated and Mailed

ed/mh