

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JENNA J CARLSON**  
Claimant

**APPEAL NO. 21A-UI-12046-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**

**OC: 10/11/20**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant, Jenna Carlson, filed a timely appeal from the May 18, 2021, reference 05, decision that held she was overpaid \$12,560.00 in regular unemployment insurance benefits for 25 weeks between October 11, 2020 and April 3, 2021, based on a March 2, 2021 administrative law judge decision that disqualified her for benefits. After due notice was issued, a hearing was held on July 20, 2021. Claimant participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-12047-JT-T. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following the Agency administrative records: DBRO, KPYX, NMRO, the reference 01 decision, the administrative law judge decision in Appeal Number 21A-UI-01426-ED-T, and the Employment Appeal Board decision in Hearing Number 21B-UI-01426. The administrative law judge also took official notice of the clerk of court records available to the public at [www.iowacourtsonline.state.ia.us](http://www.iowacourtsonline.state.ia.us), which records reflect that no petition for judicial review was filed.

**ISSUE:**

Whether the claimant was overpaid \$12,560.00 in regular unemployment insurance benefits for 25 weeks between October 11, 2020 and April 3, 2021, based on a March 2, 2021 administrative law judge decision that disqualified her for benefits.

**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 October 11, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$512.00. The claimant received \$12,560.00 in regular benefits for the 25 weeks between October 11, 2020 and April 3, 2021. The claimant also received \$4,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for 14 weeks between December 27, 2020 and April 3, 2021.

On December 10, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that allowed benefits to the claimant, provided she met all other eligibility requirements, and that held the employer's account could be charged for benefits, based on the

deputy's conclusion that the claimant was discharged on October 14, 2020 for no disqualifying reason.

The employer appealed the reference 01 decision. On March 2, 2021, an administrative law judge entered a decision in Appeal Number 21A-UI-01426-ED-T that reversed the reference 01 decision. The administrative law judge ruled that the claimant was discharged on October 14, 2020 for misconduct in connection with the employment and disqualified the claimant for unemployment insurance benefits. The administrative law judge ruled that the claimant was overpaid \$8,976.00 in regular benefits for the period of October 17, 2020 and February 13, 2021. In addition, the administrative law judge ruled that the employer participated in the fact-finding interview that led to the reference 01 decision and, therefore, the claimant was required to repay overpaid regular unemployment insurance benefits.

The March 2, 2021 administrative law judge decision in Appeal Number 21A-UI-01426-ED-T prompted the overpayment decision from which the claimant appeals in the present matter.

The claimant appealed the administrative law judge decision that disqualified her for benefits. On May 11, 2021, the Employment Appeal Board entered a decision in Hearing Number 21B-UI-01426 that affirmed the administrative law judge's decision. The claimant did not file a petition for judicial review to challenge the Employment Appeal Board's decision and the Employment Appeal Board's decision became final.

#### **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, 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.

Because the Administrative Law Judge entered a decision in Appeal Number 21A-UI-01426-ED-T disqualified the claimant for benefits based on the October 14, 2020 discharge, and because the Employment Appeal Board affirmed the disqualification decision, the \$12,560.00 in regular unemployment insurance benefits that the claimant received for 25 weeks between October 11, 2020 and April 3, 2021 is an overpayment of benefits. Because the administrative law judge ruled that the employer participated in the fact-finding interview that led to the reference 01 decision, the law requires that the claimant repay the overpaid regular unemployment insurance benefits.

**DECISION:**

The May 18, 2021, reference 05, decision is affirmed. The claimant was overpaid \$12,560.00 in regular unemployment insurance benefits for 25 weeks between October 11, 2020 and April 3, 2021. The claimant must repay the overpaid regular benefits.



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James E. Timberland  
Administrative Law Judge

July 27, 2021  
Decision Dated and Mailed

jet/kmj