

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KIMBERLY D CASEY SIMON**  
Claimant

**APPEAL 21A-UI-21889-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

Iowa Code § 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the September 30, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$669.00 for three weeks between November 8, 2020 and November 28, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on November 22, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of April 26, 2020. Her established weekly benefit amount was \$334.00. She was paid regular unemployment insurance benefits funded by the State of Iowa from November 8, 2020 through November 28, 2020 in the total amount of \$669.00.

Iowa Workforce Development issued a decision dated July 23, 2021 (reference 02), which was appealed and an Administrative Law Judge (ALJ) decision was issued on September 23, 2021 by ALJ Smith stating that the claimant was not able to and available for work from November 8, 2020 through November 28, 2020. See Appeal No. 21A-UI-16647-CS-T. No further appeal of that ALJ decision was filed and it became final.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.3(7)a provides:

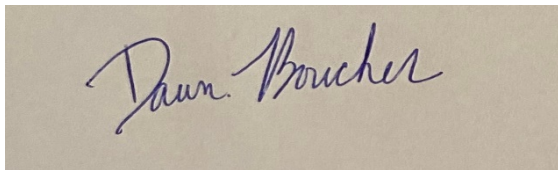
7. Recovery of overpayment of benefits.

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.

In this case, the claimant received regular unemployment insurance benefits funded by the State of Iowa from November 8, 2020 through November 28, 2020 but was not eligible for those benefits due to a disqualifying decision issued by ALJ Smith on September 23, 2021. See Appeal No. 21A-UI-16647-CS-T. No further appeal of that ALJ decision was filed and it became final. As such, the claimant has been overpaid unemployment insurance benefits funded by the State of Iowa in the amount of \$669.00 for three weeks between November 8, 2020 and November 28, 2020.

**DECISION:**

The September 30, 2021 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$669.00 for three weeks between November 8, 2020 and November 28, 2020.



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Dawn Boucher  
Administrative Law Judge

November 30, 2021  
Decision Dated and Mailed

db/db

**Note to Claimant**

- A decision may determine you are not eligible for regular unemployment insurance benefits funded by the State of Iowa under state law and if you disagree with that decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance ("PUA") section of the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act") that discusses eligibility for claimants who are unemployed due to the Coronavirus.

- **You will need to apply for PUA to determine your eligibility under the program.**

For additional information on how to apply for PUA go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>.

- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:  
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:  
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.