

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANAE M ANDERSON
Claimant

APPEAL 22A-UI-04178-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/23/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Janae M. Anderson, filed an appeal from the February 1, 2022 (reference 04) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of benefits. After proper notice, a telephone hearing was held on April 28, 2022. The hearing was held with Appeal 22A-UI-04180-JC-T and 22A-UI-04177-JC-T. The claimant participated personally. Official notice of the administrative record was taken. Department Exhibit 1 was admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the claimant overpaid regular benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence, the administrative law judge finds: Claimant separated from Tyson Fresh Meats Inc. effective May 23, 2021 (she subsequently returned to work in September 2021). Claimant established a claim for unemployment insurance benefits with an effective date of May 23, 2021 in response to the separation.

Claimant filed for and received \$4,730.00 in regular unemployment insurance benefits for the period of May 23, 2021 and July 31, 2021.

A reference 02 initial decision dated August 5, 2021 denied benefits to claimant based upon her May 23, 2021 separation. Claimant appealed and a telephone hearing was scheduled but not conducted because claimant failed to appear. The denial of benefits was affirmed in Appeal 21A-UI-18257-CS-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid regular unemployment insurance benefits.

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.

Because the initial decision denying benefits to claimant based upon her May 23, 2021 separation is affirmed, she is not entitled to benefits. Therefore, claimant has been overpaid \$4,730.00 in regular unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 1, 2022, (reference 04), is affirmed. The claimant was overpaid \$4,730.00 in regular benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 11, 2022
Decision Dated and Mailed

jlb/scn

Note to Claimant:

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>