

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORI A LAKEY
Claimant

APPEAL NO. 22A-UI-00473-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/05/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

The claimant, Lori Lakey, filed a timely appeal from the November 24, 2021, reference 03, decision that held the claimant was overpaid \$493.00 in regular benefits for the week that ended July 18, 2020, based on a February 16, 2021 decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on January 26, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-00471-JTT, 22A-UI-00473-JTT and 22A-UI-00474-JTT. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the following Agency administrative records, the reference 02, 03 and 04 decisions, DBIN, KPYX, KFFV and WAGE-A.

ISSUE:

Whether the claimant was overpaid \$493.00 in regular benefits for the week that ended July 18, 2020, based on a February 16, 2021 decision that denied benefits in connection with an able and available determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant, Lori Lakey, established an original claim for benefits that was effective July 5, 2020. The claimant received benefits that included \$493.00 in regular benefits for the week of July 12-18, 2020. The claimant also received \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for that same week.

On February 16, 2021, an Iowa Workforce Development represented a reference 02 decision that denied benefits effective July 12, 2020, based on the deputy's conclusion that the claimant was still employed with The University of Iowa under the same hours and wages as in the original contract of hire and was not partially unemployed within the meaning of the law. The reference 02 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision has been affirmed in Appeal Number 22A-UI-00471-JTT, due to an untimely appeal, and remains in effect.

REASONING AND CONCLUSIONS OF LAW:

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 reference 02 decision denied benefits for the period beginning July 12, 2020, and because the reference 02 decision remains in effect for the week that ended July 18, 2020, the \$493.00 in regular benefits the claimant received for that week is an overpayment of benefits. The claimant must repay the overpaid regular state benefits.

DECISION:

The November 24, 2021, reference 03, decision is affirmed. The claimant was overpaid \$493.00 in regular state benefits for the week that ended July 18, 2020, based on the reference 02 decision that denied benefits for that week. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

February 17, 2022
Decision Dated and Mailed

jet/scn