

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TRINITY D KEMPER**  
Claimant

**APPEAL 22A-UI-07186-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/15/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant/appellant, Trinity Kemper, appealed from the March 10, 2022, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$516.00 for a two-week period between 11/15/20 and 11/28/20 due to a decision which disqualified you for not able and available. After proper notice, a telephone hearing was conducted on May 6, 2022. Claimant personally participated. The department did not participate. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-07184-DH-T, and 22A-UI-07186-DH-T. Judicial notice was taken of the administrative record.

**ISSUES:**

Was the claimant overpaid benefits which must be repaid?

**FINDINGS OF FACT:**

Having heard the testimony, reviewed the evidence and the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of 11/15/2020. Claimant filed for and received a total of \$516.00 in unemployment insurance benefits for a two-week period between 11/15/20 and 11/28/20. Claimant does not dispute receiving the money.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits for not being able and available for work had an appeal made to the decision. That decision of the administrative law judge in appeal 22A-UI-07184-DH-T, a companion to this appeal, reversed the underlying decision in effect, which denied benefits, finding in the appeal that claimant was able and available for work from 11/15/20, through 11/28/20, granting benefits denied on the basis, so long as she was otherwise eligible.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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.

The ALJ's decision disqualifying reversed the denied of benefits and therefore, claimant was not overpaid \$516.00 in unemployment insurance benefits for a two-week period between 11/15/20 and 11/28/20.

**DECISION:**

The March 10, 2022, (reference 03) unemployment insurance decision is **REVERSED**. The claimant was not overpaid \$516.00 in unemployment insurance benefits and therefore, no repayment is required.



Darrin T. Hamilton  
Administrative Law Judge

May 27, 2022  
Decision Dated and Mailed

dh/scn