

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL A POESCHL
Claimant

APPEAL 21A-UI-13816-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/08/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the June 7, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on August 21, 2021, at 9:30 a.m. Claimant participated with his attorney Stuart Cochran. Claimant's Exhibits A and B were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI benefits

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI benefits in the gross amount of \$1,749.0 for the 11-week period between April 5, 2020 and June 27, 2020. On July 2, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed.

On November 5, 2020, claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 8, 2020. The administrative record reflects that claimant has not been paid PUA benefits for the period of time from March 8, 2020 through June 27, 2020. Whether claimant's PUA benefits may be used to offset claimant's UI benefit overpayment has not been reviewed by IWD Benefits Bureau.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) states:

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 decision that denied claimant UI benefits remains in effect. Therefore, claimant has received UI benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid UI benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The June 7, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$1,749.00, which must be repaid.

REMAND:

The issue of whether claimant's overpayment of UI benefits may be recovered from claimant's PUA benefits is remanded to the Benefits Bureau of Iowa Workforce Development for review.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 26, 2021
Decision Dated and Mailed

acw/ol