

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACK D WILKES
Claimant

APPEAL 20A-UI-15989-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On November 13, 2020, the claimant filed an appeal from the November 5, 2020, (reference 02) unemployment insurance decision that denied benefits effective April 26, 2020. The December 7, 2020, (reference 05) overpayment was also set up for appeal. The claimant was notified about the hearing. A telephone hearing was held on February 1, 2021. Claimant participated.

ISSUES:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received regular unemployment insurance benefits in the amount of \$690.00 for the five weeks ending May 30, 2020. On November 5, 2020, Iowa Workforce Development issued a reference 02 decision finding claimant ineligible for benefits effective April 26, 2020. That decision has been reversed. Claimant is eligible for regular unemployment insurance benefits effective April 26, 2020.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid 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.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid REGULAR unemployment insurance benefits in the amount noted in the findings of fact above as claimant was eligible to receive REGULAR unemployment insurance benefits effective April 26, 2020.

DECISION:

The December 7, 2020, (reference 05) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$690.00.



Christine A. Louis
Administrative Law Judge
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February 16, 2021
Decision Dated and Mailed

cal/kmj