

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RHONDA D TALTON
Claimant

APPEAL 21A-UI-05600-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

On February 11, 2021, the claimant filed an appeal from the February 5, 2021, (reference 04) unemployment insurance decision that found the claimant overpaid benefits. Because the issue appealed could be resolved prior to the hearing in the appellant's favor, no testimony was necessary and no hearing was held.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On July 20, 2020, Iowa Workforce Development issued a reference 02 unemployment insurance decision denying benefits effective March 29, 2020. On August 10, 2020, Iowa Workforce Development issued a reference 03 decision that ALLOWED benefits effective March 29, 2020. That decision has not been appealed and has become final.

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 unemployment insurance benefits in the amount of \$2,579.00 as claimant was eligible to receive benefits effective March 29, 2020.

DECISION:

The February 5, 2021, (reference 04) unemployment insurance decision is reversed. The claimant has NOT been overpaid unemployment insurance benefits in the amount of \$2,579.00.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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March 29, 2021
Decision Dated and Mailed

cal/ol