

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANITA J CURLEY
Claimant

APPEAL 20A-UI-14526-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 27, 2020 (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 scheduled for January 12, 2021 at 1:00 p.m. No hearing was held. Based upon a review of the administrative record and claimant's appeal, a decision could be made without additional testimony. 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 \$2,310.00 for the five-week period between March 29, 2020 and May 2, 2020. On May 6, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed.

On August 4, 2020, claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 22, 2020. Whether claimant's PUA benefits may be used to offset her 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 she 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 October 27, 2020 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$2,310.00, which must be repaid.

REMAND:

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



Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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January 29, 2021
Decision Dated and Mailed

acw/mh