

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DENISE L VILLHAUER
Claimant

APPEAL 22A-UI-09056-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/30/22
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 4, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid unemployment benefits from February 20, 2022 through February 26, 2022. The claimant was properly notified about the hearing. A telephone hearing was held on May 27, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-09052-DB-T and 22A-UI-09054-DB-T.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: An unemployment insurance benefits decision was issued on March 10, 2022 (reference 01) which found that the claimant was not eligible for benefits effective February 20, 2022 through February 26, 2022. That decision has since been reversed on appeal in Appeal No. 22A-UI-09052-DB-T. Because the underlying denial decision has been reversed, the claimant is not overpaid benefits.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

7. Recovery of overpayment of benefits.

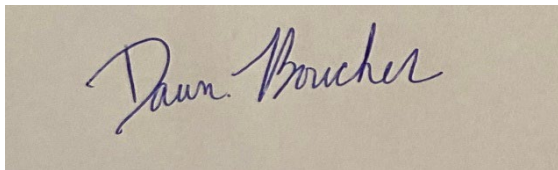
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the

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.

In this case, the claimant was paid regular unemployment insurance benefits but was later determined to be ineligible for those benefits due to her not being able to and available for work. That denial decision has now been reversed in Appeal No. 22A-UI-09052-DB-T. As such, the claimant is not overpaid regular unemployment insurance benefits of \$497.00 for the week between February 20, 2022 and February 26, 2022.

DECISION:

The April 4, 2022 (reference 03) unemployment insurance decision is reversed. The claimant is not overpaid \$497.00 for the week of February 20, 2022 through February 26, 2022.



Dawn Boucher
Administrative Law Judge

June 1, 2022
Decision Dated and Mailed

db/db