

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CATHERINE K MADCHARO**  
Claimant

**APPEAL 20A-UI-13015-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/24/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 12, 2020, (reference 02), unemployment insurance decision that found claimant overpaid unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on December 16, 2020. Claimant participated. Official notice was taken of the administrative record.

**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: Claimant filed a claim for unemployment insurance benefits with an effective date of May 12, 2019. Claimant exhausted regular unemployment insurance benefits during the one week ending December 21, 2019. The claim year expired on May 10, 2020.

A new claim year was opened with an effective date of May 24, 2020. Iowa Workforce Development paid claimant regular unemployment insurance benefits on the claim as follows:

BWE-DATE	ISSUE-DT	P	PAY-CODE	AMOUNT
05/30/20	06/11/20	4	PAID-D	481.00
06/06/20	06/11/20	4	PAID-D	481.00
06/13/20	06/15/20	2	PAID-D	481.00
06/20/20	06/22/20	2	PAID-D	481.00
06/27/20	06/29/20	2	PAID-D	481.00

On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES Act) into law. The CARES ACT provided for 13 additional weeks of benefits after regular unemployment insurance benefits are exhausted. The extended benefits are called Pandemic Emergency Unemployment Compensation (PEUC) benefits. On June 18, 2020, Iowa Workforce Development issued a decision allowing PEUC benefits in the amount of

\$467.00 per week for a total of \$6,071.00. Claimant received PEUC benefits on her 2019 claim year as follows:

BWE-DATE	RPT-CODE	AMT-RP	ISSUE-DT	P	PAY-CODE	AMOUNT
04/04/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
04/11/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
04/18/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
04/25/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
05/02/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
05/09/20	CLEAR	.00	06/17/20	2	PAID-D	467.00
05/30/20	CLEAR	.00	10/15/20	4	OFFSET	233.50
05/30/20	SPLIT	.00	10/15/20	4	PAID-D	233.50
06/06/20	CLEAR	.00	10/15/20	4	OFFSET	233.50
06/06/20	SPLIT	.00	10/15/20	4	PAID-D	233.50
06/13/20	CLEAR	.00	10/15/20	4	OFFSET	233.50
06/13/20	SPLIT	.00	10/15/20	4	PAID-D	233.50
06/20/20	CLEAR	.00	10/15/20	4	OFFSET	233.50
06/20/20	SPLIT	.00	10/15/20	4	PAID-D	233.50
06/27/20	CLEAR	.00	10/15/20	4	OFFSET	233.50
06/27/20	SPLIT	.00	10/15/20	4	PAID-D	233.50
07/04/20	CLEAR	.00	07/08/20	2	PAID-D	467.00

On July 7, 2020, Iowa Workforce Development issued a reference 01 unemployment insurance decision finding that claimant was not monetarily eligible for regular unemployment insurance benefits in a second claim year. That decision was affirmed in Appeal 20A-UI-13015-CL-T.

On October 12, 2020, Iowa Workforce Development issued a decision finding claimant overpaid regular unemployment insurance benefits in the amount of \$2,405.00 for the five weeks ending June 27, 2020, as she was not eligible for regular benefits in a second benefit year.

Claimant was still eligible for PEUC and Iowa Workforce Development disbursed an additional five weeks of PEUC benefits on October 15, 2020, but withheld half of each payment to offset the overpayment. Therefore, the overpayment balance outstanding is \$1,237.50.

#### **REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has 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 been overpaid unemployment insurance benefits in the amount of \$2,405.00 pursuant to Iowa Code § 96.3(7) as claimant was not eligible for the regular unemployment insurance benefits she received during the five weeks ending June 27, 2020.

**DECISION:**

The October 12, 2020, (reference 02) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,405.00, but because of offsets, has an outstanding overpayment balance of \$1,237.50.



---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

December 29, 2020  
Decision Dated and Mailed

cal/scn