

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAWRENCE E WITHROW
Claimant

APPEAL 21A-UI-07051-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/28/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant/appellant, Lawrence Withrow, filed an appeal from the March 7, 2022, (reference 02) unemployment insurance decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1,593.00 as a result of a disqualification decision dated 01/10/21, finding claimant not able and available to work. After proper notice, a telephone hearing was conducted on May 5, 2022. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-07050-DH-T, and 21A-UI-07051-DH-T. Claimant participated personally. The department did not participate. Judicial notice was taken of the administrative records.

ISSUE:

Was claimant overpaid benefits?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence and the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of 11/28/2021. The claimant filed for and received a total of \$1,593.00 in unemployment insurance benefits for the claim for a three-week period starting 11/28/21 through 12/18/21.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits, dated 01/10/22, was timely appealed. That decision of the administrative law judge in appeal 21A-UI-07050-DH-T, the companion case to this matter, found claimant not able and available for work from November 28, 2021, through sometime after 12/25/21 and before 01/01/22, as claimant requested and was granted a voluntary leave of absence. This voluntary unemployment period covers the weeks benefits were paid.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance 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.

Since the decision disqualifying the claimant has been affirmed, claimant was overpaid \$1,593.00 in unemployment insurance benefits that need repaid.

DECISION:

The March 7, 2022, (reference 02) unemployment insurance decision is **AFFIRMED**. Claimant was overpaid \$1,593.00 in unemployment insurance benefits that need repaid.



Darrin T. Hamilton
Administrative Law Judge

May 24, 2022
Decision Dated and Mailed

dh/kmj