

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LATOYA ASH
Claimant

APPEAL 21A-UI-05290-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/20/19
Claimant: Appellant (1)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an Iowa Workforce Development decision dated January 28, 2021, reference 09, that concluded the claimant was overpaid \$3,582.98 in unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 23, 2021. The claimant participated personally.

The administrative law judge took official notice of the administrative file. 21A-UI-05287.S1, 21A-UI-05288.S1, 21A-UI-05289.S1, 21A-UI-05290.S1, 21A-UI-05294.S1, 21A-UI-05295.S1, 21A-UI-05297.S1, and 21A-UI-05297.S1 were heard at the same time.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: The representative's decision dated October 12, 2020, reference 07, concluded the claimant was disqualified from receiving unemployment insurance benefits. The overpayment issue in this case was created by a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3(7)a-b, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

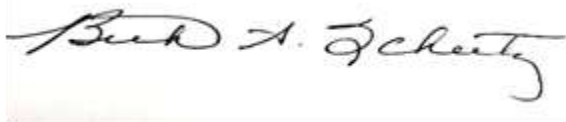
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by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

b. (1) (a) 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 section 96.8, subsection 5. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

The administrative law judge concludes that the claimant was overpaid unemployment insurance benefits pursuant to Iowa Code Section 96.3-7 as the disqualification decision that created the overpayment has now been affirmed.

DECISION:

The decision of the representative dated January 28, 2021, reference 09, is affirmed. The claimant was overpaid \$3,582.98 in unemployment insurance benefits.



Beth A. Scheetz
Administrative Law Judge

April 28, 2021
Decision Dated and Mailed

bas/ol