

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEREK HARR
Claimant

APPEAL 21A-UI-23799-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/22/20
Claimant: Appellant (5)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 18, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits.

A telephone hearing was scheduled for December 17, 2021. No hearing was held, because claimant did not call the toll free number on the hearing notice at the designated time. Based upon a review of the administrative record and claimant's appeal, a decision can be made without additional testimony. No exhibits were admitted. 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:

A decision issued October 18, 2021 (reference 05) determined claimant was overpaid benefits in the amount of \$4,368.00 "for 13 weeks between 12/20/20 and 04/03/20." The decision contains a scrivener's error. The end date should be April 3, 2021.

Claimant has received UI benefits in the gross amount of \$4,368.00 for 13 weeks between December 20, 2020 and April 3, 2021.

On December 31, 2020, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant UI benefits effective December 20, 2020 finding that claimant was not able to and available for work. That decision has been affirmed (see appeal 21A-UI-23798-AW-T).

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 claimant 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 18, 2021 (reference 05) unemployment insurance decision is modified with no change in effect. Claimant has been overpaid UI benefits in the amount of \$4,368.00 for 13 weeks between December 20, 2020 and April 3, 2021, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

December 30, 2021
Decision Dated and Mailed

acw/acw