

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

COLLEEN S MCGINNIS
Claimant

APPEAL NO. 22A-UI-07358-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (5)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

On March 19, 2022, Colleen McGinnis (claimant) filed a timely appeal from the March 15, 2022 (reference 02) decision that held the claimant was overpaid \$2,743.00 in regular state benefits for 13 weeks between April 26, 2020 and July 25, 2020, based on a March 22, 2021 decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on May 9, 2022. Claimant participated. Rachel Baehler represented the employer. There were three appeal numbers set for a consolidated hearing: 22A-UI-07356-JT-T, 22A-UI-07358-JT-T, and 22A-UI-07359-JT-T. Exhibits A through F were received into evidence. The administrative law judge took official notice of the following Agency administrative records: the reference 01, 02 and 03 decisions, DBIN, KPYX, and KCCO. The administrative law judge also took official notice that there was no scheduled fact-finding interview (KFFV). The administrative law judge took official notice that there were not fact-finding materials scanned into the Agency's records. The administrative law judge also took official notice that the claimant did not apply for and was not approved for Pandemic Unemployment Assistance (PUA) benefits.

ISSUE:

Whether the claimant was overpaid \$2,743.00 in regular state benefits for 13 weeks between April 26, 2020 and July 25, 2020, based on a March 22, 2021 decision that denied benefits in connection with an able and available determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant established an original claim for benefits that was effective April 26, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$211.00. The claimant requested that federal and state taxes be withheld from benefits. The claimant erroneously concluded that the monetary record (green paper) was a decision approving unemployment insurance benefits. The claimant made weekly claims for each of the 13 weeks between April 26, 2020 and July 25, 2020. The claimant received \$211.00 in regular state benefits and \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for each of

the 13 weeks in question. The regular benefits paid to the claimant totaled \$2,743.00. The FPUC benefits paid to the claimant totaled \$7,800.00.

On March 23, 2021, an Iowa Workforce Development Benefits Bureau issued the March 23, 2021 (reference 01) decision that denied benefits effective April 26, 2020, based on the deputy's conclusion that the claimant was not partially unemployed within the meaning of the law. The reference 01 decision was entered into the Agency's computer system on March 22, 2021, but mailed on March 23, 2021. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 01 denial of regular state benefits has been modified on appeal to deny benefits based on the claimant not being available for work, rather than based on the claimant not being partially unemployed. The denial of benefits was upheld for the 13-week period between April 26, 2020 and July 25, 2020. See Appeal Number 22A-UI-07356-JT-T.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

DECISION:

The March 15, 2022 (reference 02) decision is MODIFIED as follows. The claimant was overpaid \$2,743.00 in regular state benefits for 13 weeks between April 26, 2020 and July 25, 2020, due to the administrative law judge decision in Appeal Number 22A-UI-07356-JT-T that denied benefits for the affected period, based on a determination that the claimant was not available for work. The claimant must repay the overpaid regular state benefits.



James E. Timberland
Administrative Law Judge

May 26, 2022
Decision Dated and Mailed

jet/kmj