

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KATHLEEN BREWER**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 21A-UI-01599-AD-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On December 15, 2020, Kathleen Brewer (claimant/appellant) filed an appeal from the July 31, 2020 (reference 02) unemployment insurance decision that determined claimant had been overpaid benefits in the amount of \$4,329.00 for nine weeks between April 1 and June 13, 2020, as the result of a disqualification decision.

A telephone hearing was held on February 22, 2021. The parties were properly notified of the hearing. Claimant participated personally. Official notice was taken of the administrative record.

**ISSUE:**

Was the claimant overpaid regular, state unemployment insurance benefits?

**FINDINGS OF FACT:**

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

The unemployment insurance system shows claimant has received weekly benefits in the amount of \$481.00 for a total of nine weeks, from the benefit week ending April 18, 2020 and continuing through the benefit week ending June 13, 2020. The total amount of benefits paid to date is \$4,329.00.

Claimant was subsequently determined to be ineligible for benefits in a decision dated August 14, 2020. That decision has now been modified with no change in effect. See 21A-UI-01598-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the July 31, 2020 (reference 02) unemployment insurance decision that determined claimant had been overpaid benefits in the amount of \$4,329.00 for nine weeks between April 1 and June 13, 2020 is AFFIRMED.

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.

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 unemployment insurance system shows claimant has received weekly benefits in the amount of \$481.00 for a total of nine weeks, from the benefit week ending April 18, 2020 and continuing through the benefit week ending June 13, 2020. The total amount of benefits paid to date is \$4,329.00. Claimant was subsequently determined to be ineligible for benefits in a decision dated August 14, 2020. That decision has now been modified with no change in effect. See 21A-UI-01598-AD-T. Because claimant received benefits totaling \$4,329.00 and was later determined to be ineligible for those benefits, she has been overpaid in that amount.

**DECISION:**

The July 31, 2020 (reference 02) unemployment insurance decision that determined claimant had been overpaid benefits in the amount of \$4,329.00 for nine weeks between April 1 and June 13, 2020 is AFFIRMED.

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



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March 3, 2021  
Decision Dated and Mailed

abd/scn