

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREGORY HERTGES
Claimant

APPEAL 21A-UI-25512-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/19/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Gregory Hertges, the claimant/appellant, filed an appeal from the November 12, 2021, (reference 02) unemployment insurance decision that concluded he was overpaid REGULAR unemployment insurance (UI) benefits in the amount of \$481.00. The parties were properly notified of the hearing. A telephone hearing was held on January 18, 2022. Mr. Hertges participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Mr. Hertges been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Hertges filed an initial claim for REGULAR UI benefits effective April 19, 2020. He filed an additional claim effective July 19, 2020. After he filed his additional claim, Mr. Hertges filed a weekly claim for one week; the week of July 19-25, 2020. Mr. Hertges received REGULAR UI benefits in the amount of \$481.00 for 1 week; the week of July 19-25, 2020.

Almost seven months after he filed his additional claim, and had already received REGULAR UI benefits, IWD issued a reference 01 decision finding Mr. Hertges not eligible for REGULAR UI benefits as of July 19, 2020. Mr. Hertges appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-25511-DZ-T, affirmed the reference 01 decision.

Mr. Hertges applied for PUA benefits on January 11, 2021. On January 23, 2021, IWD denied Mr. Hertges' PUA application.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Hertges has been overpaid REGULAR UI 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.

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.

Per Iowa law, Mr. Hertges has been overpaid REGULAR UI benefits in the amount of \$481.00 for 1 week; the week of July 19-25, 2020. Mr. Hertges has been overpaid REGULAR UI benefits because he is not qualified and/or eligible to receive REGULAR UI benefits as of July 19, 2020 per the February 2, 2021, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-25511-DZ-T.

DECISION:

The November 12, 2021, (reference 02) unemployment insurance decision is affirmed. Mr. Hertges has been overpaid REGULAR UI benefits in the amount of \$481.00, which must be repaid.



Daniel Zeno
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February 9, 2022
Decision Dated and Mailed

dz/mh