

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBBIE MEACHAM
Claimant

COPY SYSTEMS INC
Employer

APPEAL 20A-UI-12650-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/20
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview
Federal Law PL 116-136 Sec. 2104 – Federal Pandemic Unemployment Compensation
Overpayment

STATEMENT OF THE CASE:

On October 11, 2020, the claimant filed an appeal from the September 30, 2020, (reference 02) unemployment insurance decision that determined claimant had been overpaid unemployment in the amount of \$3,180.00. The parties were properly notified about the hearing. A telephone hearing was held on October 23, 2020. Claimant participated and was represented by attorney Stuart Higgins. Employer participated through hearing representative, Sarah Dodge, and Michelle Patterson, Owner, Troy Patterson, Owner and Lindsay Range, Account Manager. Exhibits 1 through 12 were admitted into the record. Administrative notice was taken of information from the IWD computer system that shows claimant received \$3,180.00 in unemployment benefits. The claimant waived the ten-day notice requirement to hear this overpayment issue.

ISSUE:

Was claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began receiving weekly unemployment insurance benefits from June 12, 2020 through August 3, 2020 for a total amount of \$3,180.00.

REASONING AND CONCLUSIONS OF LAW:

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. (b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. (2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

I have found that claimant was eligible for unemployment insurance benefits from this employer in claim number 20A-UI-09918-J1-T. As claimant is eligible there is no overpayment of benefits.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The September 30, 2020, (reference 02) unemployment insurance decision is reversed.



James F. Elliott
Administrative Law Judge

October 28, 2020
Decision Dated and Mailed

je/sam