

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RORY MCINTYRE
Claimant

APPEAL 22A-UI-00043-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (2R)

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

STATEMENT OF THE CASE:

The claimant, Rory McIntyre, appealed an unemployment insurance decision dated November 15, 2021, reference 02, that concluded he was overpaid \$881.00 in regular unemployment insurance benefits for the three-week period between April 26, 2020, and June 6, 2020. A telephone hearing was held on January 20, 2022. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. The administrative law judge took official notice of the administrative record.

Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed for and received a total of \$881.00. in unemployment insurance benefits for the three-weeks between April 26, 2020, and June 6, 2020. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in the claimant's favor in appeal 22A-UI-00042-JD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not overpaid regular unemployment 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.

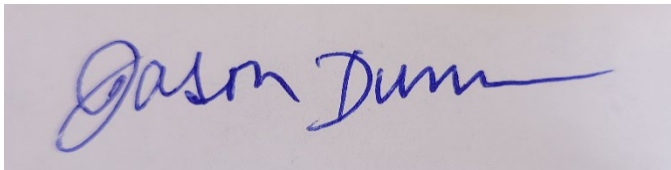
Since the decision disqualifying the claimant has been modified in the claimant/appellant's favor and remanded to the Benefits Bureau for a redetermination of claimant's benefits utilizing only wages from his full-time employer, Nichols Aluminum. The overpayment decision is reversed. If any future overpayments are determined after the claimant's benefits have been redetermined then a new overpayment decision shall be generated, and the claimant shall have an opportunity for due process on that overpayment decision.

DECISION:

The November 15, 2021, (reference 02) unemployment insurance decision is reversed. The underlying reference 01 decision determined on February 16, 2021, (reference 01) has been modified in favor of the appellant that he does not currently have an overpayment.

REMAND:

Whether the claimant is overpaid benefits consistent with the remand in appeal 22A-UI-00042-JD-T is remanded to the Benefits Bureau for review.



Jason Dunn
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February 11, 2022
Decision Dated and Mailed

jd/scn