

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIAM E BURNEY
Claimant

APPEAL NO. 21A-UI-24977-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/01/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On November 8, 2021, William Burney (claimant/appellant) appealed the decision dated November 3, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,720.00 for the ten-week period between November 1, 2020 and January 9, 2021, as a result of a decision denying benefits.

A telephone hearing was held on January 7, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice 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 administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$172.00 per week for a total of ten weeks, from the benefit week ending November 7, 2020 and continuing through the benefit week ending January 9, 2021. The total amount of regular, state unemployment insurance benefits paid during that period is \$1,720.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated January 20, 2021. That decision remains in force. See 21A-UI-03687-DZ-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated November 3, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,720.00 for the ten-week period between November 1, 2020 and January 9, 2021, as a result of a decision denying benefits 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 administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$172.00 per week for a total of ten weeks, from the benefit week ending November 7, 2020 and continuing through the benefit week ending January 9, 2021. The total amount of regular, state unemployment insurance benefits paid during that period is \$1,720.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated January 20, 2021. That decision remains in force. See 21A-UI-03687-DZ-T.

Because claimant received unemployment insurance benefits in the amount of \$1,720.00 for which he was later found to be ineligible he has been overpaid in that amount.

DECISION:

The decision dated November 3, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,720.00 for the ten-week period between November 1, 2020 and January 9, 2021, as a result of a decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
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January 28, 2022
Decision Dated and Mailed

abd/abd