

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHANTEL M DELGADO
Claimant

APPEAL NO. 21A-UI-00394-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/15/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On November 17, 2020, Shantel Delgado (claimant/appellant) appealed the October 27, 2020 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,196.00 for six weeks between March 29 and May 9, 2020, as a result of a disqualification decision dated June 3, 2020.

A telephone hearing was held on February 16, 2021, 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 unemployment insurance system shows claimant received weekly benefits totaling \$1,196.00 from the benefit week ending April 11, 2020 and continuing through the benefit week ending May 9, 2020.

Claimant was subsequently found to be disqualified from benefits in a decision dated September 9, 2020. That decision remains in force. See 21A-UI-00393-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the October 27, 2020 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,196.00 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 received weekly benefits totaling \$1,196.00 from the benefit week ending April 11, 2020 and continuing through the benefit week ending May 9, 2020.

Claimant was subsequently found to be disqualified from benefits in a decision dated September 9, 2020. That decision remains in force. See 21A-UI-00393-AD-T.

Because claimant received benefits totaling \$1,196.00 which she was later found to be disqualified for, she has been overpaid benefits in that amount.

DECISION:

The October 27, 2020 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,196.00 is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

March 1, 2021
Decision Dated and Mailed

abd/lj

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>.