

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**DAVID J LIZAKOWSKI**  
Claimant

**APPEAL NO: 21A-UI-03498-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (1R)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 14, 2021, (reference 02) unemployment insurance decision that concluded he was overpaid \$7,835.00 in regular unemployment insurance benefits. After proper notice, a telephone hearing was conducted on April 19, 2021. The claimant participated. Official notice of the administrative records was taken. Claimant Exhibit 1 was admitted.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

The claimant filed for and received a total of \$7,835.00 in regular, state unemployment insurance benefits for the weeks between April 5, 2020 and June 27, 2020.

A reference 01 initial decision denying benefits based upon a leave of absence with Menard Inc. was issued on July 10, 2020. Claimant did not appeal the decision, which is final at this time.

Claimant then applied for and was approved for Pandemic Unemployment Assistance (PUA) benefits with an effective date of March 22, 2020. The claimant is currently approved for Pandemic Unemployment Assistance (PUA). Whether the PUA benefits should be used to partially offset the overpayment of these regular state benefits has not yet been reviewed by the Benefits Bureau.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid regular unemployment insurance benefits.

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.

Since the decision disqualifying the claimant from **regular state-funded unemployment insurance benefits** is final, the claimant was overpaid \$7,835.00 in **regular state-funded unemployment insurance benefits**. However, the issue of whether claimant's allowance of Pandemic Unemployment Assistance (PUA) benefits should be used to partially offset the overpayment of these regular state benefits is remanded to the Benefits Bureau for an initial investigation.

**DECISION:**

The unemployment insurance decision dated January 14, 2021, (reference 02), is affirmed. The claimant was overpaid \$7,835.00 in regular, state unemployment insurance benefits.

**REMAND:** The issue of whether claimant's allowance of Pandemic Unemployment Assistance (PUA) benefits should be used to partially offset the overpayment of these regular state benefits is remanded to the Benefits Bureau for an initial investigation.



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April 23, 2021  
Decision Dated and Mailed

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