

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAMANTHA D POESE
Claimant

APPEAL NO. 21A-UI-14635-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 16, 2021, reference 02, decision that held the claimant was overpaid \$2,691.00 in regular benefits for 13 weeks between April 5, 2020 and July 4, 2020, due to a decision that disqualified the claimant for benefits based on a voluntary quit from employment with Building Blocks Childcare & Preschool. After due notice was issued, a hearing was held on August 23, 2021. The claimant participated in the hearing and presented additional testimony through Mark Poese and Kim Poese. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-14636-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, NMRO, the July 9, 2020, reference 01, 02 and 03 decisions, and the administrative law judge decision in Appeal Number 20A-UI-08522-SC-T.

ISSUES:

Whether the claimant was overpaid \$2,691.00 in regular benefits for 13 weeks between April 5, 2020 and July 4, 2020, due to a July 4, 2020 decision that disqualified the claimant for benefits based on a voluntary quit from employment with Building Blocks Childcare & Preschool.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective April 5, 2020. The claimant received \$2,691.00 in regular state benefits for 13 weeks between April 5, 2020 and July 4, 2020. The claimant also received \$7,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for the same 13 weeks.

On July 9, 2020, Iowa Workforce Development mailed the July 9, 2020, reference 01, decision to the claimant. The reference 01 decision disqualified the claimant for unemployment insurance benefits, based on the deputy's conclusion that the claimant voluntarily quit without good cause attributable to employer Building Blocks Childcare & Preschool on February 17, 2020. The claimant filed an appeal from the reference 01 decision and an appeal hearing was set for August 31, 2020 in Appeal Number 20A-UI-08522-SC-T. The claimant/appellant did not appear for the hearing. On August 31, 2021, the administrative law judge issued a default decision and dismissed the appeal. The administrative law judge's decision left the

reference 01 decision in place. The claimant did not appeal from the administrative law judge's decision and, therefore, the reference 01 decision became a final agency decision. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The July 4, 2020 overpayment decision date referred to the overpayment decision is the date the disqualification was entered into the Agency's computer system, rather than the mailing date of the decision.

REASONING AND CONCLUSIONS OF LAW:

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.

Because the reference 01 decision disqualified the claimant for benefits in connection with the February 17, 2020 separation from employment, and because the reference 01 decision remains in effect, the \$2,691.00 in regular state benefits the claimant received for 13 weeks between April 5, 2020 and July 4, 2020 is an overpayment of benefits. The claimant must repay the overpaid benefits.

DECISION:

The June 16, 2021, reference 02, decision is affirmed. The mailing date of the disqualification decision is corrected for purposes of this matter to July 9, 2020. The claimant was overpaid \$2,691.00 in regular benefits for 13 weeks between April 5, 2020 and July 4, 2020, due to a July 9, 2020, reference 01, decision that disqualified the claimant for benefits based on a voluntary quit from employment with Building Blocks Childcare & Preschool. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

August 27, 2021
Decision Dated and Mailed

jet/mh