

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANELLE H BERNSTROM
Claimant

APPEAL 20A-UI-06954-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Janelle H. Bernstrom, filed an appeal from the June 23, 2020 (reference 08) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of benefits.

After proper notice, a telephone hearing was scheduled for July 31, 2020. The claimant requested a 12:00 hearing due to her new work schedule and the request was granted. A second telephone hearing was scheduled for 12:00 p.m. on August 17, 2020. The claimant requested a second postponement due to her work schedule. The request was denied, and the claimant was given the option to present a written statement in lieu of participation if she was unable to participate live in the scheduled hearing. The administrative law judge received the claimant’s written statement in lieu of participation, and it was admitted as Claimant Exhibit A.

The administrative law judge took official notice of the administrative records. Based on the evidence, the claimant’s written statement, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 15, 2020. The claimant filed for and received a total of \$2,177.00 in unemployment insurance benefits for the weeks between March 15, 2020 and May 2, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 20A-UI-02922-X.

The claimant appealed the hearing decision to the Employment Appeal Board (EAB), who affirmed the denial of benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid 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 has been affirmed, the claimant was overpaid \$2,177.00 in unemployment insurance benefits. The claimant may have to repay the benefits received thus far, unless the claimant applies and is approved for PUA, as directed in the paragraph below.

DECISION:

The June 23, 2020 (reference 08) initial decision is affirmed. The claimant has been overpaid \$2,177.00 in unemployment insurance benefits. The claimant may have to repay the benefits received thus far, unless the claimant applies and is approved for PUA, as directed below.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:
www.iowaworkforcedevelopment.gov/pua-information



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

August 24, 2020
Decision Dated and Mailed

jlb/mh