

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXIS COLE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-11545-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 22, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid \$3,719.00 in regular unemployment insurance benefits from the week ending November 21, 2020 to the week ending February 20, 2021. After proper notice, a telephone hearing was conducted on July 13, 2021. The hearing was held jointly with Appeal 21A-UI-11546-SN-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

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 \$3,719.00 in regular, state unemployment insurance benefits for the weeks between November 21, 2020 and February 20, 2021.

The administrative record DBRO shows the following entries regarding payments:

On December 4, 2020, the claimant was issued a \$412.00 payment designated to the week ending November 21, 2020 and a \$318.00 payment designated to the week ending November 28, 2021.

On December 10, 2020, the claimant received a \$235.00 payment designated to the week ending December 5, 2020.

On December 14, 2020, the claimant received a \$335.00 payment designated to the week ending December 12, 2020.

On December 21, 2020, the claimant received a \$395.00 payment designated to the week ending December 19, 2020.

On December 28, 2020, the claimant received a \$412.00 payment designated to the week ending December 26, 2020.

On January 4, 2021, the claimant received a \$365.00 payment designated to the week ending January 2, 2021.

On January 13, 2021, the claimant received a \$305.00 payment designated to the week ending January 9, 2021.

On January 19, 2021, the claimant received a \$335.00 payment designated to the week ending January 16, 2021.

On January 25, 2021, the claimant received a \$405.00 payment designated to the week ending January 23, 2021. The administrative law judge stated the claimant was eligible for this week.

The claimant did not receive a payment designated for the week ending January 30, 2021.

On February 10, 2021, the claimant received a \$195.00 payment designated for the week ending February 6, 2021. The administrative law judge stated the claimant was eligible for this week.

On February 15, 2021, the claimant received a \$195.00 payment designated for the week ending February 13, 2021.

On February 23, 2021, the claimant received a \$412.00 payment designated for the week ending February 20, 2021.

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 21A-UI-04770-DZ-T. This decision has become final because it was not appealed to the Employment Appeal Board ("EAB").

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:

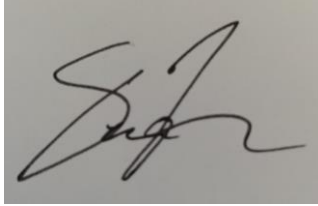
7. Recovery of overpayment of benefits.

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 has been affirmed, the claimant was overpaid \$3,719.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated April 22, 2021, (reference 03), is affirmed. The claimant was overpaid \$3,719.00 in regular, state unemployment insurance benefits.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

July 22, 2021
Decision Dated and Mailed

smn/lj