

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT G LOCKEY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-13917-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/27/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 28, 2020 (reference 08) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on January 5, 2021, at 9:00 a.m. Claimant participated. Lenore Page, Mary Jo Lockey and Robb Lockey were witnesses for claimant. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI in the gross amount of \$792.00 for the six-week period between March 22, 2020 and May 2, 2020. An unemployment insurance decision was issued on February 7, 2020 (reference 05); that decision found claimant was not eligible for UI because he was not able to and available for work. Claimant appealed that decision. The decision was affirmed by the appeals bureau (see 20A-UI-01200-DG-T) and the Employment Appeal Board (see 20B-UI-01200).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

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.

The decision dated February 7, 2020 (reference 05) found claimant ineligible for UI. That decision remains in effect as it was affirmed on appeal. Because claimant is not eligible for UI, he was not entitled to UI benefits that he received. The administrative law judge concludes that the claimant has been overpaid UI in the amount of \$792.00 for the six-week period between March 22, 2020 and May 2, 2020. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The October 28, 2020 (reference 08) unemployment insurance decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$792.00 for the six-week period between March 22, 2020 and May 2, 2020, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 22, 2021
Decision Dated and Mailed

acw/rmk