

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDON J LEMONT
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-22348-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/07/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Brandon J Lemont, the claimant/appellant, filed an appeal from the September 22, 2021, (reference 03) unemployment insurance decision that concluded he was overpaid REGULAR unemployment insurance (UI) benefits in the amount of \$5,505.02. Mr. Lemont was properly notified of the hearing. A telephone hearing was held on December 2, 2021. Connie Lemont, Mr. Lemont's grandmother participated and testified on Mr. Lemont's behalf. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Mr. Lemont been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Lemont filed an initial claim for REGULAR UI benefits effective June 7, 2020. He filed weekly claims from June 7, 2020 through October 3, 2020.

Over five months after he filed his initial claim, and had already received REGULAR UI benefits, IWD issued a reference 02 decision finding Mr. Lemont not eligible for REGULAR UI benefits. Mr. Lemont appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-22347-DZ-T, affirmed the reference 02 decision.

Mr. Lemont had received REGULAR UI benefits in the amount of \$5,505.02 for 16 weeks from June 7, 2020 through September 26, 2020. Since Mr. Lemont had already received REGULAR UI benefits, but he was not eligible for those benefits per the reference 02 decision IWD issued the reference 03 decision appealed in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Lemont has been overpaid REGULAR UI benefits.

Iowa Code §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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Per Iowa law, Mr. Lemont has been overpaid REGULAR UI benefits in the amount of \$5,505.02 for 16 weeks from June 7, 2020 through September 26, 2020. Mr. Lemont has been overpaid REGULAR UI benefits because he is not qualified and/or eligible to receive REGULAR UI benefits per the November 17, 2020, (reference 02) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-22347-DZ-T.

DECISION:

The September 22, 2021, (reference 03) unemployment insurance decision is affirmed. Mr. Lemont has been overpaid REGULAR UI benefits in the amount of \$5,505.02, which must be repaid.



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

January 6, 2022

Decision Dated and Mailed

dz/kmj

NOTE TO MR. LEMONT:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **You can still apply for PUA benefits at the link above if your initial claim for benefits was filed before June 12, 2021.** Your initial claim for benefits was filed on June 7, 2020.