

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**GOWUN PARK**  
Claimant

**APPEAL NO. 21A-UI-18704-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORDCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/31/20**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

The claimant, Gowun Park, filed a timely appeal from the August 10, 2021, reference 02, decision that held she was overpaid \$7,696.00 in regular benefits for 16 weeks between May 31, 2020 and September 19, 2020, based on an earlier decision that disqualified her for benefits in connection with a voluntary quit from employment with Simpson College. After due notice was issued, a hearing was held on October 15, 2021. The claimant participated personally and was represented by attorney Robb Goedicke. There were three appeal numbers set for a consolidated hearing: 21A-UI-18703-JT-T, 21A-UI-18704-JT-T and 21A-UI-18705-JT-T. Claimant's Exhibits A, B and H and Department Exhibits D-1 through D-6 were received into evidence. The employer raised the potential issue of a separation based on a disqualifying incarceration, but declined to waive 10-day formal notice on that issue.

**ISSUE:**

Whether the claimant overpaid \$7,696.00 in regular benefits for 16 weeks between May 31, 2020 and September 19, 2020, based on an earlier decision that disqualified her for benefits in connection with a voluntary quit from employment with Simpson College.

**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 May 31, 2020. The claimant received \$7,696.00 in regular benefits for 16 weeks between May 31, 2020 and September 19, 2020. The claimant also received \$4,800.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for eight weeks between May 31, 2020 and July 25, 2020.

On September 29, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Simpson College effective May 31, 2020 without good cause attributable to the employer. The reference 01 decision prompted the

overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 21A-UI-18703-JT-T.

#### 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 August 10, 2021, reference 02, disqualified the claimant for benefits, and because the reference 02 decision remains in effect, the \$7,696.00 in regular benefits the claimant received for 16 weeks between May 31, 2020 and September 19, 2020 is an overpayment of benefits. The claimant must repay the overpaid benefits.

#### DECISION:

The August 10, 2021, reference 02, decision is affirmed. The claimant was overpaid \$7,696.00 in regular benefits for 16 weeks between May 31, 2020 and September 19, 2020, based on an earlier decision that disqualified her for benefits in connection with a voluntary quit from employment with Simpson College. The claimant must repay the overpaid benefits.



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James E. Timberland  
Administrative Law Judge

November 29, 2021  
Decision Dated and Mailed

jet/kmj

*Note to Claimant:* This decision determines you are overpaid 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed for reasons related to COVID-19, may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.