

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TROY HAIN
Claimant

APPEAL 20A-UI-14434-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

Troy Hain, the claimant/appellant, appealed the October 27, 2020, (reference 03) unemployment insurance decision that concluded he was overpaid REGULAR unemployment insurance (UI) benefits. Mr. Hain was properly notified of the hearing. A telephone hearing was held on January 12, 2021. Mr. Hain participated. Official notice was taken of the administrative record.

ISSUE:

Has Mr. Hain been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hain received REGULAR benefits in the amount of \$3,808.00 for eight weeks between March 22, 2020 and May 9, 2020.

On May 19, 2020, Iowa Workforce Development issued a reference 01 decision denying Mr. Hain REGULAR UI benefits. That decision was affirmed by the administrative law judge's decision dated June 29, 2020.

Mr. Hain was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 22, 2020.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes Mr. Hain 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.

Mr. Hain has been overpaid REGULAR UI benefits in the amount of \$3,808.00 as he was not qualified and/or was ineligible to receive REGULAR UI benefits.

DECISION:

The October 27, 2020, (reference 03) unemployment insurance decision is affirmed. Mr. Hain has been overpaid REGULAR UI benefits in the amount of \$3,808.00.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development to recover the overpayment of REGULAR UI benefits from the PUA (federal) benefits Mr. Hain is owed to the greatest extent possible.



Daniel Zeno
Administrative Law Judge

January 29, 2021
Decision Dated and Mailed

dz/scn