

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SUSAN L KELSO**  
Claimant

**APPEAL NO: 21A-UI-09463-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 30, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid \$2,700.00 in regular unemployment insurance benefits. After proper notice, a telephone hearing was conducted on June 16, 2021. The hearing was held together with Appeals 21A-UI-09465-JC-T. The claimant participated. Official notice of the administrative records was taken.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020. The claimant filed for and received a total of \$2,700.00 in regular, state unemployment insurance benefits for the weeks between March 29, 2020 and June 20, 2020.

The unemployment insurance decision (reference 01) that disqualified the claimant from receiving unemployment insurance benefits was initially reversed in favor of the claimant in a decision of the administrative law judge in appeal 20A-UI-07868-X-T. The hearing decision was appealed to the Employment Appeal Board (EAB) who reversed the administrative law judge's decision, thereby disqualifying claimant from benefits. See 20B-IWDUI-0061.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid regular state-funded 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 by the Employment Appeal Board, the claimant was overpaid \$2,700.00 in unemployment insurance benefits.

The claimant may have to repay the benefits received thus far, unless the claimant applies and is approved for PUA, as directed in the paragraph below.

**DECISION:**

The unemployment insurance decision dated March 30, 2021, (reference 03), is affirmed. The claimant was overpaid \$2,700.00 in regular, state unemployment insurance benefits,



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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June 29, 2021  
Decision Dated and Mailed

jlb/mh

*Note to Claimant:*

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently 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>. You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>