

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**GERARDO SOLORIO**  
Claimant

**APPEAL NO. 21A-UI-18284-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/15/19**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On August 13, 2021, the claimant Gerardo Solorio appealed the August 4, 2021, (reference 03) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$3,626.00 for the seven-week period ending June 13, 2020. The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Wednesday, October 13, 2021. Appeal numbers 21A-UI-18283-LJ-T, 21A-UI-18284-LJ-T, and 21A-UI-18286-LJ-T were heard together and created one record. The claimant, Gerardo Solorio, participated. The employer, Carley Construction, L.L.C., participated through Jason Carley, Project Manager. Spanish/English interpreter Hared (ID number 12957) of CTS Language Link provided interpretation services for the hearing. No exhibits were offered or admitted into the record. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$3,626.00 for the seven-week period ending June 13, 2020. On September 1, 2020, Iowa Workforce Development (IWD) issued a decision (reference 02) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed. See 21A-UI-18283-LJ-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

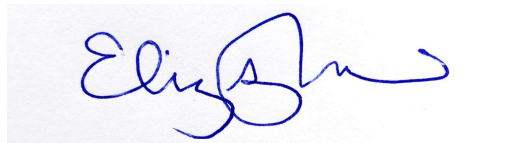
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

The administrative law judge concludes that the claimant has been overpaid regular unemployment insurance benefits in the amount of \$3,626.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The August 4, 2021 (reference 03) decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$3,626.00, which must be repaid.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

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October 18, 2021  
Decision Dated and Mailed

lj/kmj