

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CRYSTAL V GRIMM

Claimant

APPEAL 21A-UI-13133-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/26/20

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 30, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on July 24, 2021, at 10:00 a.m. Claimant participated with her attorney Molly Hamilton. Claimant's Exhibits 1 – 3 were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI benefits in the gross amount of \$1,369.00 for the five-week period between April 26, 2020 and May 30, 2020.

On August 6, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits effective April 26, 2020 finding that claimant was not able to perform work due to injury. Claimant appealed the decision.

On October 12, 2020, an Administrative Law Judge (ALJ) issued a decision modifying the August 6th decision in claimant's favor. The ALJ determined claimant was not able to and available for work and, therefore, not eligible for benefits from April 26, 2020 until May 30, 2020, but that claimant was able to and available for work and, therefore, eligible for benefits effective May 31, 2020 (see appeal 20A-UI-09338-AD-T). Employer appealed the decision.

On November 23, 2020, the Employment Appeal Board (EAB) issued a decision affirming the October 12th decision (see appeal 20B-UI-09338). The EAB's decision has not been appealed and remains in effect.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

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.

The decision that denied claimant UI benefits between April 26, 2020 and May 30, 2020 remains in effect. Therefore, claimant has received UI benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid UI benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The March 30, 2021 (reference 04) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$1,369.00, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
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July 29, 2021
Decision Dated and Mailed

acw/kmj