

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

FRANCES H RYAN AL BAKRI
Claimant

APPEAL NO. 21A-UI-20189-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/28/21
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

The claimant, Frances Ryan Al Bakri, filed a timely appeal from the August 31, 2021, reference 02 (o.c. 03/28/21), decision that held she was overpaid \$254.00 in regular benefits for four weeks between March 28, 2021 and April 24, 2021, based on a June 21, 2021 decision that denied benefits in connection with an “able and available” determination. After due notice was issued, a hearing was held on November 9, 2021. The claimant participated. There were six appeal numbers set for a consolidated hearing: 21R-UI-19344-JTT, 21A-UI-20185-JTT, 21A-UI-20186-JTT, 21A-UI-20188-JTT, 21A-UI-20189-JTT AND 21A-UI-20190-JTT. Exhibits A through J were received into evidence. The administrative law judge took official notice of the following Agency administrative records: all of the Benefits Bureau decisions entered in connection with the March 29, 2020 and March 28, 2021 benefit years, DBRO, DBIN, KCCO, KPYX, WAGE-A, WAGE-C, and NMRO.

ISSUE:

Whether the claimant was overpaid \$254.00 in regular benefits for four weeks between March 28, 2021 and April 24, 2021, based on a June 21, 2021 decision that denied benefits in connection with an “able and available” determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim and a second benefit year that was effective March 28, 2021. The claimant received \$254.00 in regular benefits for four weeks between March 28, 2021 and April 24, 2021. The claimant also received \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for those same four weeks.

On June 21, 2021, Iowa Workforce Development issued the June 21, 2021, reference 01 (o.c. 03/28/21) decision that denied regular benefits effective March 28, 2021, based on the deputy’s conclusion that the claimant was not partially unemployed within the meaning of the law. 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-20188-JTT.

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 reference 01 decision denied benefits for the period beginning March 28, 2021, and because the reference 01 decision has been affirmed on appeal, the \$254.00 in regular benefits the claimant received for four weeks between March 28, 2020 and April 24, 2021 is an overpayment of benefits that the claimant must repay.

DECISION:

The August 31, 2021, reference 02 (o.c. 03/28/21), decision is affirmed. The claimant was overpaid \$254.00 in regular benefits for four weeks between March 28, 2021 and April 24, 2021, based on a June 21, 2021, reference 01, decision that denied benefits beginning March 28, 2021 in connection with an “able and available” determination. The claimant must repay the overpaid regular benefits.



James E. Timberland
Administrative Law Judge

November 23, 2021
Decision Dated and Mailed

jet/scn

Note to Claimant: This decision determines you are overpaid regular unemployment insurance benefits for the period beginning March 28, 2021. 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>.