

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MAIKKI A POTTER**  
Claimant

**APPEAL 21A-UI-05321-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On February 9, 2021, the claimant appealed the February 3, 2021, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,436.00 for the eleven-week period ending May 30, 2020, as a result of a decision disqualifying claimant from receiving benefits. A telephone hearing was scheduled and held on April 21, 2021, pursuant to due notice. The claimant participated.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$3,436.00 for the eleven weeks ending May 30, 2020. On July 23, 2020, Iowa Workforce Development issued a reference 01 decision disqualifying claimant from receiving benefits effective March 15, 2020. That decision was reversed in Appeal Number 21A-UI-05320-ED-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid 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

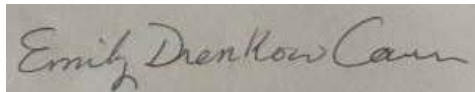
any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$3,436.00 pursuant to Iowa Code § 96.3(7) as claimant was eligible for benefits during the eleven weeks ending May 30, 2020.

**DECISION:**

The February 3, 2021, (reference 04) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$3,436.00.



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Emily Drenkow Carr  
Administrative Law Judge  
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April 29, 2021  
Decision Dated and Mailed

ed/scn