

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUSAN D HARPER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-01190-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

On December 10, 2020, Susan Harper (claimant/appellant) appealed the December 4, 2020 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$553.00 for the two weeks between May 10 and May 23, 2020, as a result of a disqualification decision.

A telephone hearing was held on February 17, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The overpayment decision was based on a disqualification decision that has now been reversed. See 21A-UI-01189-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the December 4, 2020 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$553.00 for the two weeks between May 10 and May 23, 2020 is REVERSED.

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.

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 overpayment decision was based on a disqualification decision that has now been reversed. See 21A-UI-01189-AD-T. Because the disqualification decision has been reversed, claimant has not been overpaid benefits.

DECISION:

The December 4, 2020 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$553.00 for the two weeks between May 10 and May 23, 2020 is REVERSED. Claimant was not overpaid benefits.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 26, 2021
Decision Dated and Mailed

abd/scn