

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CALENNE E GRECO**  
Claimant

**APPEAL NO. 22A-UI-07607-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3((7) - Overpayment

**STATEMENT OF THE CASE:**

On March 30, 2022, Calenne Greco (claimant) filed a timely appeal from the March 22, 2022 (reference 05) decision that held the claimant was overpaid \$338.00 in regular state benefits for the week that ended May 30, 2020, due to the March 8, 2021 (reference 02) decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on May 11, 2022. The claimant participated. There were six appeal numbers set for a consolidated hearing: 22A-UI-07605-JT-T, 22A-UI-07606-JT-T, 22A-UI-07607-JT-T, 22A-UI-07608-JT-T, 22A-UI-07609-JT-T, and 22A-UI-07610-JT-T. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPYX, KCCO, WAGE-C, KFFV, and the reference 02 and reference 04 through 08 decisions.

**ISSUE:**

Whether the claimant was overpaid \$338.00 in regular state benefits for the week that ended May 30, 2020, due to the March 8, 2021 (reference 02) 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:

Calenne Greco (claimant) established an original claim for benefits that was effective March 15, 2020. Iowa Workforce Development set the weekly benefit amount at \$338.00. The claimant made weekly claims for each of the weeks between March 15, 2020 and June 6, 2020. For all but the last two weeks, the claimant reported wages that exceeded her weekly benefit amount by more than \$15.00 and did not receive benefits. For the weeks that ended May 30 and June 6, 2020, the claimant reported zero wages. For each of those weeks IWD paid the claimant \$338.00 in regular benefits and \$600.00 in Federal Pandemic Unemployment Compensation (FPUC).

On March 9, 2021, Iowa Workforce Development Benefits Bureau issued a reference 02 decision that denied benefits for the period of March 15, 2020 through May 30, 2020, based on

the deputy's conclusion that the claimant worked sufficient hours during that period to be deemed employed, was not unemployed within the meaning of the law, and therefore did not meet the unemployment insurance "availability" requirement. The reference 02 decision was affirmed in Appeal Number 22A-UI-07605-JT-T and remains in effect.

**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 02 decision denied benefits for the period that included the week ending May 30, 2020, and because the reference 02 decision remains in effect, the \$338.00 in regular benefits the claimant received for that week is an overpayment of benefits. The claimant must repay the overpaid regular state benefits.

**DECISION:**

The March 22, 2022 (reference 05) decision is AFFIRMED. The claimant was overpaid \$338.00 in regular state benefits for the week that ended May 30, 2020, due to the March 8, 2021 (reference 02) decision that denied benefits in connection with an able and available determination. The claimant must repay the overpaid regular state benefits.



---

James E. Timberland  
Administrative Law Judge

June 27, 2022  
Decision Dated and Mailed

jet/mh