

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIMBERLY N VANKAMPEN
Claimant

APPEAL NO. 21A-UI-18984-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/14/21
Claimant: Appellant (1R)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 20, 2021, reference 02, decision that held she was overpaid \$848.00 in regular benefits for two weeks between March 14, 2021 and March 27, 2021, based on the July 30, 2021 decision that denied regular benefits in connection with a determination that the claimant was not able to work and/or not available for work. After due notice was issued, a hearing was held on October 20, 2021. The claimant participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-18986-JTT. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KPY1, NMRO, the April 23, 2021, reference 01, decision, the administrative law judge decision in Appeal Number 21A-UI-11894-DG-T, and the decision allowing PUA benefits for the period beginning March 14, 2021.

ISSUE:

Whether the claimant was overpaid \$848.00 in regular benefits for two weeks between March 14, 2021 and March 27, 2021, based on the July 30, 2021 decision that denied regular benefits in connection with a determination that the claimant was not able to work and/or not available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 14, 2021. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$424.00. The claimant received \$848.00 in regular benefits for the two weeks between March 14, 2021 and March 27, 2021. The claimant also received \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the same two weeks.

On April 23, 2021, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that allowed benefits to the claimant beginning March 14, 2021, provided the claimant met all other eligibility requirements, based on the deputy's conclusion that the claimant was able to work and available for work but on a short-term layoff. The employer, Custom-Pak, Inc. – LP2, appealed the reference 01 decision. On July 30, 2021, an administrative law judge entered a decision in Appeal Number 21A-UI-11894-DG-T that reversed the reference 01

decision. The administrative law judge denied regular benefits effective March 14, 2021, based on the conclusion that the claimant was on a leave of absence and not available for work. The administrative law judge decision prompted the overpayment decision from which the claimant appeals in the present matter. The claimant did not appeal the administrative law judge's decision and the decision became final.

On September 7, 2021, Iowa Workforce Development approved the claimant for \$343.00 in weekly Pandemic Unemployment Assistance (PUA) benefits for the period beginning March 14, 2021.

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 administrative law judge decision in Appeal Number 21A-UI-11894-DG-T denied benefits for the period beginning March 14, 2021, the \$848.00 in regular benefits that claimant received for two weeks between March 14, 2021 and March 27, 2021, is an overpayment of benefits that must be repaid.

This matter will be remanded to the Benefits Bureau for an offset of as-yet undisbursed PUA benefits against the outstanding overpayment of regular benefits.

DECISION:

The August 20, 2021, reference 02, decision is affirmed. The claimant was overpaid \$848.00 in regular benefits for two weeks between March 14, 2021 and March 27, 2021, based on the administrative law judge decision that denied regular benefits effective March 14, 2021. The overpaid regular benefits must be repaid.

This matter is **remanded** to the Benefits Bureau for an offset of as-yet undisbursed PUA benefits against the outstanding overpayment of regular benefits. This should significantly reduce, but not completely eliminate, the amount that needs to be repaid as part of the recovery of the overpaid regular benefits.



James E. Timberland
Administrative Law Judge

October 29, 2021
Decision Dated and Mailed

jet/scn