

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY J LEIMBACHER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-24856-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/13/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant, Anthony J. Leimbacher, filed an appeal from the October 26, 2021 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that established he was overpaid benefits. After proper notice, a telephone hearing was held on January 6, 2022. The hearing was held together with Appeal 21A-UI-24855-JC-T. The claimant participated personally. Laura Cummings, mom of claimant, also attended. The administrative law judge took official notice of the administrative records. Department Exhibit D-1 was admitted.

ISSUE:

The issue is whether the claimant was overpaid benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established his claim for unemployment insurance benefits with an effective date of September 13, 2020 after separation with Principal Life Insurance Co. Claimant filed for and received \$4,930.00 in regular unemployment insurance benefits for the ten-week period between September 13, 2020 and November 21, 2020.

The initial decision which denied benefits to the claimant has been modified in Appeal 21A-UI-24855-JC-T. However, claimant remains ineligible for unemployment insurance benefits for the period of time September 13, 2020 through November 21, 2020. See Appeal 21A-UI-24855-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is overpaid benefits.

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 initial decision which denied benefits to the claimant has been affirmed, and claimant remains ineligible for benefits for the period of September 13, 2020 and November 21, 2020, the administrative law judge concludes the claimant was overpaid benefits in the amount of \$4,930.00. These benefits are subject to recovery.

DECISION:

The October 26, 2020 (reference 03) initial decision is affirmed. The claimant has been overpaid \$4,930.00 in regular unemployment insurance benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 7, 2022
Decision Dated and Mailed

jlb/mh

NOTE TO CLAIMANT:

This decision determines you are not eligible for regular unemployment insurance benefits. 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 were unemployed between February 2, 2020 and June 12, 2021 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>. **The authorization code is 1 , the pin**