

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANET S SYMMONDS
Claimant

APPEAL 21A-UI-24034-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/11/2020
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant, Janet Symmonds, filed an appeal from the October 22, 2021, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$524.00 for 2 weeks between 10/11/20-10/24/2020, due to the decision dated 12/17/20 which disqualified claimant from benefits for not being able and available for work. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for January 4, 2022. The claimant participated. The Department did not participate. Judicial notice was taken of the administrative file.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of October 11, 2020. The claimant filed for and received a total \$524.00 in benefits for a 2-week period between 10/11/20 and 10/24/2020.

The unemployment insurance decision reference 02 that disqualified claimant for not being able and available for work was not appealed and remains in effect.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance 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.

Since the decision disqualifying claimant was not appealed, claimant was overpaid \$524 in unemployment insurance benefits, which must be repaid.

DECISION:

The unemployment insurance decision dated October 22, 2021, (reference 04), is **AFFIRMED**. Claimant was overpaid \$524.00 unemployment insurance benefits, which must be repaid.



Darrin T. Hamilton
Administrative Law Judge

January 31st, 2022
Decision Dated and Mailed

dh/rs