

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOY V HUBBS
Claimant

APPEAL 21A-UI-18425-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/10/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Joy V Hubbs, the claimant/appellant, filed an appeal from the August 6, 2021, (reference 02) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits (UI) in the amount of \$4,028.00. Ms. Hubbs was properly notified of the hearing. A telephone hearing was held on October 12, 2021. Ms. Hubbs participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Hubbs been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Tubbs received REGULAR UI benefits in the amount of \$4,028.00 for 19 weeks between May 10, 2020 and September 19, 2020.

On September 28, 2020, Iowa Workforce Development issued a reference 01 decision finding Ms. Hubbs was not eligible for REGULAR UI benefits. Ms. Hubbs appealed. The administrative law judge's decision in Appeal 20A-UI-12298-JC-T affirmed the reference 01 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Hubbs has been overpaid REGULAR UI 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.

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.

Ms. Hubbs has been overpaid REGULAR UI benefits in the amount of \$4,028.00 for 19 weeks between May 10, 2020 and September 19, 2020, since she was not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the September 28, 2020, (reference 01) decision, which was affirmed by the administrative law judge in Appeal 20A-UI-12298-SC-T.

DECISION:

The August 6, 2021, (reference 02) unemployment insurance decision is affirmed. Ms. Hubbs has been overpaid REGULAR UI benefits in the amount of \$4,038.00, which must be repaid.



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

October 18, 2021
Decision Dated and Mailed

dz/ol