

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SUZANNE D REID

Claimant

APPEAL NO: 21A-UI-09261-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20
Claimant: Appellant (1R)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 18, 2021, (reference 02) unemployment insurance decision that concluded she was overpaid \$6,819.00 in regular unemployment insurance benefits.. After proper notice, a telephone hearing was conducted on June 17, 2021. The claimant participated personally and was represented by Bryan D. Swain, attorney at law. Official notice of the administrative records was taken. Claimant Exhibits A-D were admitted.

ISSUE:

Has the claimant been overpaid regular state-funded unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

An initial decision (reference 01) was issued on July 27, 2020, denying benefits to the claimant. The claimant appealed the decision, and a hearing was conducted on September 8, 2020. The claimant participated. The administrative law judge affirmed the denial of benefits and remanded the issue of possible overpayment to the Benefits Bureau. See Appeal 20A-UI-08760-JE-T.

The claimant appealed the administrative law judge's decision. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision by the Employment Appeal Board (EAB). See 20B-UI-08760.

In a subsequent decision, claimant was assessed an overpayment of Federal Pandemic Unemployment Compensation (FPUC) benefits and the EAB issued a waiver of overpayment of the FPUC benefits only.

Claimant also applied for and was approved for Pandemic Unemployment Assistance (PUA) benefits with an effective date of March 7, 2020, with a weekly benefit amount of \$493.00. IWD issued an initial decision notifying claimant of the approval on March 13, 2021. The claimant is currently approved for Pandemic Unemployment Assistance (PUA). Whether the PUA benefits should be used to partially offset the overpayment of regular benefits has not yet been reviewed by the Benefits Bureau.

Administrative records reflect that claimant filed for and received a total of \$6,819.00 in regular, state unemployment insurance benefits for the weeks between March 29, 2020 and July 18, 2020. At the crux of claimant's appeal is a dispute of benefits actually received. (See Appeal letter).

Claimant's weekly benefit amount for regular unemployment insurance benefits was \$481.00. Her weekly payments varied each week depending on wages reported. Claimant also elected to have state and federal taxes withheld. Administrative records with IWD reflect benefits were directly deposited between two bank accounts:

DRF-ISSUED	NET-PAID	PAY-METHOD	LAST-BWED	FEDERAL	IOWA	YEAR
04/16/2020	658.75	DIRECT-DEP	04/11/2020	77.50	38.75	2020
04/21/2020	198.05	DIRECT-DEP	04/18/2020	23.30	11.65	2020
05/06/2020	817.70	DIRECT-DEP	05/02/2020	96.20	48.10	2020
05/12/2020	408.85	DIRECT-DEP	05/09/2020	48.10	24.05	2020
06/09/2020	1546.15	DIRECT-DEP	06/06/2020	181.90	90.95	2020
06/23/2020	562.70	DIRECT-DEP	06/20/2020	66.20	33.10	2020
06/30/2020	377.40	DIRECT-DEP	06/27/2020	44.40	22.20	2020
07/07/2020	408.85	DIRECT-DEP	07/04/2020	48.10	24.05	2020
07/14/2020	408.85	DIRECT-DEP	07/11/2020	48.10	24.05	2020
07/21/2020	408.85	DIRECT-DEP	07/18/2020	48.10	24.05	2020

The deposits made to the claimant for the period of April 16, 2020 through May 12, 2020 went to a bank account ("Town and Country") known to claimant. Claimant stated she only made unemployment claims for four weeks, based upon two separate periods of having to stay home/isolate/being sent home by the employer. Claimant denied filing claims after May 16, 2020 or receiving benefits paid after May 12, 2020 (Claimant Exhibit A).

The remaining benefits paid out under claimant's account went to a second bank account. Administrative records reflect when a weekly claim was filed on June 7, 2020, bank information changed and remaining payments made went to the second bank account (Claimant Exhibit B, D). Claimant denied receipt or knowledge of making the claims or receiving the payments. Claimant did not have assistance from anyone but her son when making her claims online. Claimant is unaware of any identify theft. As of the hearing date, claimant had not made any report of possible fraud/theft to law enforcement or reported suspected to IWD. ⁱ

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

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.

Cognizant that claimant disputes receipt of benefits after May 12, 2020, since the decision disqualifying the claimant has been affirmed, (and absent an agency finding of fraud or non-receipt of payments) the administrative law judge concludes the claimant was overpaid \$6,819.00 in regular state-funded unemployment insurance benefits. The issue of whether fraudulent claims (and subsequent receipt of benefits) were made on this claim by someone other than the claimant is remanded to the Investigations & Recovery/Fraud Unit with IWD for review.

Whether the claimant's overpayment of regular unemployment insurance benefits should be partially recovered from her PUA benefits is remanded to the Benefits Bureau for review.

DECISION:

The unemployment insurance decision dated March 18, 2021, (reference 02), is affirmed. The claimant was overpaid \$6,819.00 in regular, state unemployment insurance benefits

REMAND:

The issue of whether fraudulent claims (and subsequent receipt of benefits) were made on this claim by someone other than the claimant is remanded to the Investigations & Recovery/Fraud Unit with IWD for review.

Whether the claimant's overpayment of regular unemployment insurance benefits should be partially recovered from her PUA benefits is remanded to the Benefits Bureau for review.



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

June 30, 2021
Decision Dated and Mailed

jlb/kmj