

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL R HOUK
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 21A-UI-22593-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1)

Iowa Code § 96.6(2) – Filing – Timely Appeal
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment
PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On October 4, 2021, Michael Houk (claimant/appellant) filed an appeal from the decision dated September 24, 2021 (reference 05) that determined claimant was overpaid unemployment insurance benefits in the amount of \$970.71 between July 26 and August 15, 2020, based on a prior decision denying benefits.

A telephone hearing was held on December 6, 2021. The parties were properly notified of the hearing. Claimant participated personally. Official notice was taken of the administrative record.

ISSUE(S):

- I. Is the appeal timely?
- II. Was the claimant overpaid regular, state unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$970.71 between July 26 and August 15, 2020.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated March 17, 2021. That decision was affirmed by the EAB on July 14, 2021 and remains in force. See 21B-UI-09210.

The decision states that it becomes final unless an appeal is postmarked or received by Iowa Workforce Development Appeals Section by October 4, 2021. The appeal letter was postmarked on that date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated September 24, 2021 (reference 05) that determined claimant was overpaid unemployment insurance benefits in the amount of \$970.71 between July 26 and August 15, 2020, based on a prior decision denying benefits is AFFIRMED.

The decision states that it becomes final unless an appeal is postmarked or received by Iowa Workforce Development Appeals Section by October 4, 2021. The appeal letter was postmarked on that date. The appeal is therefore timely.

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.

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.

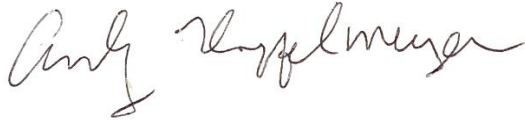
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Because claimant received benefits totaling \$970.71 for which he was later found disqualified, he has been overpaid in that amount.

DECISION:

The decision dated September 24, 2021 (reference 05) that determined claimant was overpaid unemployment insurance benefits in the amount of \$970.71 between July 26 and August 15, 2020, based on a prior decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

January 6, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal CARES Act benefits you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.