

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

FABIO A VIDAL
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-20603-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/14/21
Claimant: Appellant (1)**

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated September 8, 2021, (reference 03) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 15, 2021, and was consolidated with the hearing for appeals 21A-UI-20604-S2-T, 21A-UI-20606-S2-T, 21A-UI-20609-S2-T, 21A-UI-20610-S2-T, and 21A-UI-20612-S2-T. The claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On May 24, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that allowed claimant regular state unemployment insurance (UI) benefits. That decision has been reversed. See 21A-UI-13410-DZ-T. That decision was not appealed. Claimant did receive benefits in the gross amount of \$5,815.00 for the twenty-four-week period ending October 31, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes 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

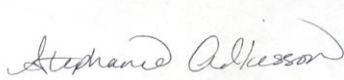
not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

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.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$5,815.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The decision of the representative dated September 8, 2021, (reference 03) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$5,815.00 to which he was not entitled and those benefits must be recovered in accordance with the law.



Stephanie Adkisson
Administrative Law Judge
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Des Moines, Iowa 50319-0209
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December 15, 2021
Decision Dated and Mailed

sa/mh