

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTONIO REDD
Claimant

APPEAL 21R-UI-25168-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/05/20
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

On June 8, 2021, the claimant, Antonio Redd, appealed the June 3, 2021, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,451.00 for the seven-week period ending August 29, 2020, as a result of a disqualification decision. The original hearing was held on August 11, 2021, and a default decision was issued due to claimant's non-participation. The claimant appealed the decision to the Employment Appeal Board (EAB) due to a scheduling error that had him appearing simultaneously on a different appeal before a different administrative law judge on August 11, 2020, at the same time. The EAB remanded this matter for re-hearing on November 12, 2021. A telephone hearing was re-scheduled and held on January 31, 2022, pursuant to due notice. The claimant, Antonio Redd, participated and testified. The appeal was consolidated with appeal #21R-UI-25167-JD-T. The administrative law judge took official notice of the administrative record.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision that has been modified in favor of the appellant. The claimant is eligible for benefits for the one-week period ending July 16, 2020. See 21R-UI-25167-JD-T. The claimant was overpaid benefits for the six-week period from July 19, 2020, through August 29, 2020. The claimant's weekly benefit amount is \$493.00.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the six-week period ending August 29, 2020.

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

7. Recovery of overpayment of benefits.

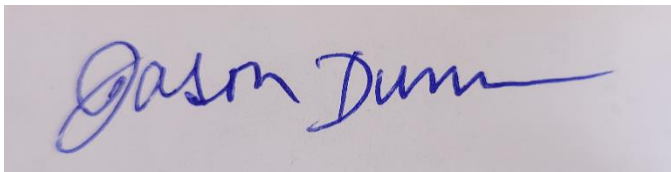
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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 \$2,958.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been modified. The claimant's overpayment amount is reduced by \$493.00 due to the modification of the disqualifying decision.

DECISION:

The June 3, 2021, (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,958.00 for the six-week period between July 19, 2020, through August 29, 2020.



Jason Dunn
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February 3, 2022
Decision Dated and Mailed

jd/mh