

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBRA K CHASE
Claimant

APPEAL 21R-UI-11749-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

OC: 04/05/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 15, 2020 (reference 03) unemployment insurance decision that found claimant was overpaid Unemployment Insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on February 19, 2021. Claimant participated. On March 1, 2021, a decision was issued on the merits in appeal 21A-UI-01528-JC-T.

On April 21, 2021, employer appealed a companion decision to the Employment Appeal Board (EAB). On April 27, 2021, the EAB remanded both this matter and the companion decision to the Appeals Bureau for a hearing on the merits. Upon remand, due notice was issued and a hearing was held on July 14, 2021 at 2:05 p.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant was overpaid UI benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The unemployment insurance decision that disqualified claimant from receiving UI benefits (and resulted in the overpayment) has been reversed (see 21R-UI-11748-AW-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not overpaid 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.

Because claimant's separation was not disqualifying, claimant was entitled to receive UI benefits. Claimant was not overpaid UI benefits.

DECISION:

The December 15, 2020 (reference 03) unemployment insurance decision is reversed. Claimant was not overpaid UI benefits.



Adrienne C. Williamson
Administrative Law Judge
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July 30, 2021
Decision Dated and Mailed

acw/scn