

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEANNA S BIANCHI
Claimant

APPEAL 20A-UI-14458-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.6(3) – Appeals
Iowa Code § 96.3(7) – Recovery of Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 19, 2020 (reference 05) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. A telephone hearing was scheduled for January 12, 2021, at 10:10 a.m. Claimant was properly notified of the hearing. No hearing was held, because claimant did not register a telephone number to participate in the hearing. Based upon a review of the administrative record and claimant's appeal, a decision can be made without additional testimony. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision issued November 19, 2020 (reference 05) finds claimant was overpaid UI benefits in the amount of \$726.00 for the six-week period between April 5, 2020 and May 16, 2020. An Administrative Law Judge's decision issued on July 6, 2020 (appeal number 20A-UI-04870.AW-T) found claimant was overpaid UI in the amount of \$968.00 for the eight-week period between March 22, 2020 and May 16, 2020. That decision has been affirmed by the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases.

Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

The overpayment at issue has been adjudicated and affirmed. The decision that claimant is overpaid UI benefits for the period in question is final. Therefore, this overpayment decision must be affirmed.

DECISION:

The November 19, 2020 (reference 05) unemployment insurance decision is affirmed.



Adrienne C. Williamson
Administrative Law Judge
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January 29, 2021
Decision Dated and Mailed

acw/kmj