

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY A BRAU
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-16127-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 13, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$7,696.00 for the weeks between March 22, 2020 and July 11, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on September 14, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-16130-DB-T.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa from March 22, 2020 through July 11, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for benefits effective March 22, 2020. She was paid regular unemployment insurance benefits of \$7,696.00 for the weeks between March 22, 2020 and July 11, 2020. Claimant was also paid FPUC benefits of \$9,000.00 for the weeks between March 29, 2020 and July 11, 2020 as a supplement to the regular unemployment insurance benefits she received.

A decision dated August 26, 2020 (reference 01) found that the claimant was still employed with her employer Commercial Savings Bank for the same hours and wages as her original contract of hire and was therefore not eligible for regular unemployment insurance benefits. Claimant filed an appeal to that denial decision and Appeal No. 20A-10544 was docketed. Claimant had a hearing scheduled for October 16, 2020 with ALJ Julie Elder. Claimant withdrew her appeal to the August 26, 2020 (reference 01) denial decision and a decision was entered in Appeal No. 20A-UI-10544 by ALJ Bennett approving the claimant's withdrawal of appeal. No further appeal to the Employment Appeal Board (EAB) has been filed at this time. No application for Federal Pandemic Unemployment Assistance (PUA) benefits has been filed by the claimant at this time.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

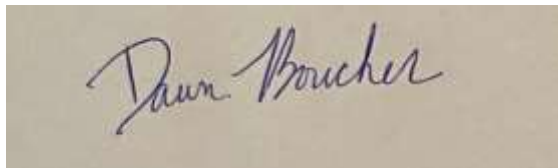
7. Recovery of overpayment of benefits.

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.

In this case, the claimant received regular unemployment insurance benefits funded by the State of Iowa from March 22, 2020 through July 11, 2020 but was not eligible for those benefits due to a disqualifying decision entered on August 26, 2020 (reference 01) that found she was still employed with Commercial Savings Bank. That decision was affirmed in the ALJ decision issued Appeal No. 20A-UI-10544. No further appeal of that ALJ decision was filed. As such, the claimant has been overpaid unemployment insurance benefits funded by the State of Iowa in the amount of \$7,696.00 for the weeks between March 22, 2020 and July 11, 2020. Those benefits must be repaid to the agency.

DECISION:

The July 13, 2021 (reference 04) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$7,696.00 for the weeks between March 22, 2020 and July 11, 2020.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style and is positioned above a horizontal line.

Dawn Boucher
Administrative Law Judge

September 20, 2021
Decision Dated and Mailed

db/ol

Note to Claimant

- This decision may determine you are not eligible for regular unemployment insurance benefits funded by the State of Iowa under state law and 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 you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (“PUA”) section of the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**
For additional information on how to apply for PUA go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If you have applied and have been approved for PUA benefits, this decision will **not** negatively affect your entitlement to PUA benefits.