

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEREMY S KANE
Claimant

APPEAL NO. 21A-UI-23700-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/17/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On October 21, 2021, the claimant Jeremy S. Kane appealed the October 14, 2021, (reference 02) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$1,573.17 for the eleven-week period ending August 1, 2020. The parties were properly notified of the hearing. A telephonic hearing was held at 1:00 p.m. on Monday, December 20, 2021. Appeal numbers 21A-UI-23699-LJ-T, 21A-UI-23700-LJ-T, 21A-UI-23701-LJ-T, and 21A-UI-23702-LJ-T were heard together and created one record. The claimant, Jeremy S. Kane, participated. The employer, Iowa Catholic Conference – Xavier High School, participated through witness Marla Tursi, Business Office Coordinator for Xavier High School; and was represented by hearing representative Paul Jahnke. Department’s Exhibits D-1 and D-2 were admitted into the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$1,573.17 for the eleven-week period ending August 1, 2020. On December 31, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been reversed. See 21A-UI-23699-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

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

7. Recovery of overpayment of benefits.

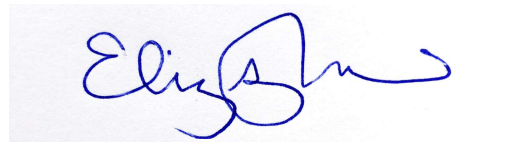
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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 not been overpaid regular unemployment insurance benefits pursuant to Iowa Code § 96.3(7). The disqualification decision that created the overpayment decision has been reversed.

DECISION:

The October 14, 2021 (reference 02) decision is reversed. Claimant has not been overpaid regular unemployment insurance benefits.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 28, 2021
Decision Dated and Mailed

lj/lj