

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARY FRANCES T BLEVINS
Claimant

APPEAL NO. 22A-UI-11477-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/14/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On May 5, 2022, Mary Frances Blevins (claimant/appellant) appealed the Iowa Workforce Development ("IWD") decision dated May 2, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,182.00 for the three-week period ending December 4, 2021 as a result of a prior decision denying benefits.

A telephone hearing was held on June 17, 2022, pursuant to due notice. Claimant participated personally. No exhibits were admitted. Official notice as taken of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received UI in the amount of \$394.00 per week for a total of three weeks, from November 14 through December 4, 2021. The total amount of UI paid during this period was \$1,182.00.

Claimant was subsequently determined to be disqualified from benefits effective November 14, 2021. That decision was appealed further and affirmed by an administrative law judge and the Employment Appeal Board. See 22A-UI-01461-AR-T; 22B-UI-01461-EAB. That decision has not been appealed further into district court and remains in force at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated May 2, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,182.00 for the three-week period ending December 4, 2021 as a result of a prior decision denying benefits is **AFFIRMED**.

Iowa Code section 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. If the department determines that an employer's failure to respond timely or adequately was due to insufficient notification from the department, the employer's account shall not be charged.

The administrative record shows claimant received UI in the amount of \$394.00 per week for a total of three weeks, from November 14 through December 4, 2021. The total amount of UI paid during this period was \$1,182.00.

Claimant was subsequently determined to be disqualified from benefits effective November 14, 2021. That decision was appealed further and affirmed by an administrative law judge and the Employment Appeal Board. See 22A-UI-01461-AR-T; 22B-UI-01461-EAB. That decision has not been appealed further into district court and remains in force at this time.

Claimant received UI in the total amount of \$1,182.00 during a period in which she was subsequently found to be disqualified from benefits. She has therefore been overpaid UI in that amount.

DECISION:

The decision dated May 2, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,182.00 for the three-week period ending December 4, 2021 as a result of a prior decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

June 23, 2022
Decision Dated and Mailed

abd/abd