

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUANITHA A NASOD
Claimant

APPEAL NO. 21A-UI-09108-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (3)

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The claimant, Juanitha Nasod, filed a timely appeal from the March 23, 2021, reference 03 decision that held she was overpaid \$6,291.61 in regular benefits for 20 weeks between April 19, 2020 and September 5, 2020, due to an earlier decision that disqualified her for benefits based on a voluntary quit from Hills and Dales Child Development. After due notice was issued, a hearing was held on June 16, 2021. The claimant participated. There were four appeal matters set for a consolidated hearing: 21A-UI-09107-JTT, 21A-UI-09108-JTT, 21A-UI-09111-JTT and 21A-UI-09114. Claimant's Exhibit 1, the online appeal, and Employer's Exhibits A-1, A-2 and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, the reference 02, 03, 04 and 05 decisions, the administrative law judge decision in Appeal Number 20R-10737-HP-T, the claimant's March 31, 2021 application for PUA benefits, and the deputy's April 30, 2021 notes regarding the PUA determination.

ISSUE:

Whether the claimant was overpaid \$6,291.61 in regular benefits for 20 weeks between April 19, 2020 and September 5, 2020, due to an earlier decision that disqualified her for benefits based on a voluntary quit from Hills and Dales Child Development.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective April 19, 2020. The claimant received \$6,292.31 in regular benefits for the 20 weeks between April 19, 2020 and September 5, 2020. The claimant received \$8,400.00 in Federal Pandemic Unemployment Compensation (FPUC) for 14 weeks between April 19, 2020 and July 25, 2020. The claimant received \$1,800.00 in Lost Wages Assistance Payments (LWAP) for six weeks between July 26, 2020 and September 5, 2020. All of the benefits were disbursed in January 2021. The appropriate net amounts were direct-deposited to the claimant's bank account and the federal and state withholding information was forwarded the appropriate taxing authorities.

On March 3, 2021, Iowa Workforce Development Benefits Bureau mailed to the claimant the reference 02 decision that disqualified the claimant for regular benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Hills and Dales Child Development on March 12, 2020 without good cause attributable to the employer. The reference 02 disqualification decision is the basis for the overpayment decision from which the claimant appeals in the present matter. The reference 02 disqualification decision has been affirmed in Appeal Number 21A-UI-09107-JTT.

REASONING AND CONCLUSIONS OF LAW:

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.

Because the reference 02 decision disqualified the claimant for benefits, and because that decision remains in effect, the \$6,292.31 in regular benefits that the claimant received for the 20 weeks between April 19, 2020 and September 5, 2020 is an overpayment of benefits that the claimant must repay.

DECISION:

The March 23, 2021, reference 03, decision is modified adverse to the claimant/appellant only to correct the overpayment amount to \$6,292.31. The claimant is overpaid \$6,292.31 in regular benefits for 20 weeks between April 19, 2020 and September 5, 2020, due to the decision that disqualified the claimant for benefits based on her voluntary quit from Hills and Dales Child Development. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

June 28, 2021
Decision Dated and Mailed

jet/ol