

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RILEY M LILES
Claimant

APPEAL 21A-UI-21403-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Riley M Liles, the claimant/appellant, filed an appeal from the September 22, 2021, (reference 02) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits (UI) in the amount of \$390.00. Ms. Liles was properly notified of the hearing. A telephone hearing was held on November 22, 2021. Ms. Liles participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Liles been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Liles filed an initial claim for REGULAR UI benefits effective May 31, 2020. She filed weekly claims from May 31, 2020 through June 13, 2020.

Over five months after she filed her initial claim, and she had already received REGULAR UI benefits, IWD issued a decision dated November 10, 2020, (reference 01) finding Ms. Liles not eligible for REGULAR UI benefits. Ms. Liles appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-21401-DZ-T, affirmed the reference 01 decision.

Ms. Liles had received REGULAR UI benefits in the amount of \$390.00 for 2 weeks between May 31, 2020 and June 6, 2020. Since Ms. Liles had already received REGULAR UI benefits, but she was not eligible for those benefits IWD issued the reference 02 decision appealed in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Liles has been overpaid REGULAR UI benefits.

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.

Per Iowa law, Ms. Liles has been overpaid REGULAR UI benefits in the amount of \$390.00 for 2 weeks between May 31, 2020 and June 6, 2020. Ms. Liles has been overpaid REGULAR UI benefits because she is not qualified and/or eligible to receive REGULAR UI benefits during the weeks listed above per the November 10, 2020, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-21401-DZ-T.

DECISION:

The September 22, 2021, (reference 02) unemployment insurance decision is affirmed. Ms. Liles has been overpaid REGULAR UI benefits in the amount of \$390.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
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December 30, 2021
Decision Dated and Mailed

dz/mh