

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KRISTINA SOSA
Claimant

APPEAL NO. 21A-UI-00052-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1R)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 6, 2020, reference 03, decision that held she was overpaid \$5,698.00 in *regular* benefits for 11 weeks between April 5, 2020 and June 20, 2020, based on an earlier decision that disqualified her for benefits in connection with her voluntary quit from employment with The University of Iowa. After due notice was issued, a hearing was held on February 2, 2021. The claimant participated in the hearing. Exhibits A, B and C were received into evidence at the time of appeal hearing. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, the IWD Overpayments database, the August 29, 2020.

Note: During a portion of the appeal hearing, the administrative law judge erroneously had in hand another claimant's payment records, pertaining to the hearing that immediately preceded this claimant's hearing. The error came to light during this appeal hearing and the administrative law judge thereafter used the correct payment records pertaining to this claimant. The claimant requested a copy of the IWD records concerning payment of regular state benefits. The administrative law judge emailed the requested records to the claimant immediately after the hearing on February 2, 2021.

The administrative law judge left the hearing record open for the limited purpose of allowing the claimant to submit bank records. The claimant submitted materials on February 2, 2021 and the administrative law judge received those materials into the record as Exhibit D.

ISSUE:

Whether the claimant was overpaid \$5,698.00 in *regular state* benefits for 11 weeks between April 5, 2020 and June 20, 2020, based on an earlier decision that disqualified her for benefits in connection with her voluntary quit from employment with The University of Iowa.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for regular state benefits that was effective April 5, 2020. Iowa Workforce Development set her weekly benefit amount for regular state benefits at

\$518.00. The claimant asked to have Iowa income taxes withheld from her unemployment insurance benefits. The Iowa income tax withholding is five percent of the total payment. The appropriate net weekly amount for regular benefits was \$492.10. The claimant made weekly claims that included weekly claims for each of the 11 weeks between April 5, 2020 and June 20, 2020. IWD paid the claimant full weekly *regular state* benefits for each of the 11 weeks between April 5, 2020 and June 20, 2020. The first week of *regular state* benefits were paid by warrant (check). The remaining 10 weeks were paid by direct deposit to the claimant's bank account and appropriate net amount deposits are reflected in the claimant's bank records. The regular state benefits paid to the claimant for the 11 weeks between April 5, 2020 and June 20, 2020 totaled \$5,698.00 (gross).

On June 25, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with The University of Iowa on April 5, 2020 without good cause attributable to the employer. The claimant appealed the reference 01 decision. On August 4, 2020, the claimant participated in an appeal hearing in Appeal Number 20A-UI-07206-HP-T. On August 11, 2021, the Appeals Bureau mailed the administrative law judge's decision to the parties. The administrative law judge affirmed the disqualification decision, but corrected the quit date to January 3, 2020. The claimant received the administrative law judge's decision, but did not appeal from it.

On August 29, 2020, the claimant submitted an application for Pandemic Unemployment Assistance (PUA) benefits. Though the actual PUA decision is not available to the administrative law judge, IWD records indicate an August 29, 2020 approval for weekly PUA benefits in the amount of \$518.00 for the period beginning April 5, 2020. The claimant has indeed received PUA benefits.

IWD records continue to reflect an outstanding overpayment balance of \$5,698.00 in *regular state* benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Iowa Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the June 25, 2020, reference 01, decision disqualified the claimant for *regular state* benefits, and because the disqualification decision was affirmed on appeal, the \$5,698.00 in *regular state* benefits that the claimant did in fact receive for 11 weeks between April 5, 2020 and June 20, 2020 is an overpayment of benefits. The overpaid *regular state* benefits must be repaid.

DECISION:

The November 6, 2020, reference 03, decision is affirmed. The claimant was overpaid \$5,698.00 in *regular state* benefits for 11 weeks between April 5, 2020 and June 20, 2020, based on an earlier decision that disqualified her for benefits in connection with her voluntary quit from employment with The University of Iowa. The overpaid *regular state* benefits must be repaid.

REMAND:

This matter is **remanded** to the Benefits Bureau for recovery of the overpaid *regular state* benefits through an offset of PUA (federal) benefits to the extent possible.



James E. Timberland
Administrative Law Judge

February 22, 2021
Decision Dated and Mailed

jet/kmj