

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHERRY FLEMING
Claimant

APPEAL NO. 21A-UI-09358-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/03/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On April 1, 2021, the claimant appealed the March 26, 2021, (reference 03) decision that concluded the claimant was overpaid regular state unemployment benefits in the amount of \$2,169.00 for the 20-week period ending September 26, 2020, as a result of a disqualification decision. A telephone hearing was held at 1:00 p.m. on June 17, 2021, pursuant to due notice. The claimant, Sherry Fleming, participated. No exhibits were offered or admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a disqualification decision that has now been affirmed. (See 21A-UI-12567-S1-T). Claimant did receive benefits in the gross amount of \$2,169.00.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has 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

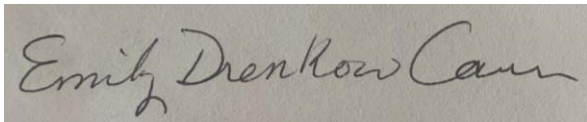
to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

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 been overpaid unemployment insurance benefits in the amount of \$2,169.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The March 26, 2021, (reference 03) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$2,169.00 to which they were not entitled and those benefits must be recovered in accordance with Iowa law.



Emily Drenkow Carr
Administrative Law Judge

June 30, 2021
Decision Dated and Mailed

ed/mh