

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDEE DUFFY
Claimant

APPEAL 21A-UI-05334-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On February 7, 2021, Andee Duffy (claimant) appealed an unemployment insurance decision dated January 29, 2021, reference 02, that concluded she was overpaid \$4,605.00 in regular or state unemployment insurance benefits. After due notice was issued, a telephone hearing was held on April 22, 2021, and consolidated with the hearing for appeal 21A-UI-05337-SC-T. The claimant participated. Prairie Meadows Racetrack & Casino (employer) participated through Pam Anderson, Senior Generalist. The claimant's Exhibit A and the department's Exhibits D1 through D3 were admitted into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020. The claimant filed for and received a total of \$4,605 in regular unemployment insurance benefits for the 15 weeks between March 29 and July 11.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-05337-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid regular unemployment insurance benefits, which must be repaid.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$4,605 in regular unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 29, 2021, reference 02, is affirmed. The claimant was overpaid \$4,605.00 in regular unemployment insurance benefits, which must be repaid.

REMAND:

Whether the claimant's overpayment of state benefits can be partially withheld from the PUA benefits that she has not yet been paid is remanded to the Benefits Bureau for review and processing.



Stephanie R. Callahan
Administrative Law Judge

April 30, 2021
Decision Dated and Mailed

src/ol