

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**KARLA K PULSCHER**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-11069-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

---

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

**STATEMENT OF THE CASE:**

Karla K Pulscher, the claimant/appellant, filed an appeal from the April 20, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits in the amount of \$3,430.00. Ms. Pulscher was properly notified of the hearing. A telephone hearing was held on July 7, 2021. Ms. Pulscher participated and testified. Official notice was taken of the administrative record.

**ISSUES:**

Has Ms. Pulscher been overpaid REGULAR UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Pulscher received REGULAR UI benefits in the amount of \$3,430.00 for 15 weeks between March 29, 2020 and July 11, 2020.

On August 24, 2020, Iowa Workforce Development issued a reference 02 decision finding Ms. Pulscher was not eligible for REGULAR UI benefits. The administrative law judge's decision in Appeal 21A-UI-11068-DZ-T affirmed the reference 02 decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Ms. Pulscher 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.

Ms. Pulscher has been overpaid REGULAR UI benefits in the amount of \$3,430.00 for the 15 weeks between March 29, 2020 and July 11, 2020, since she was not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the August 24, 2020, (reference 02) decision.

**DECISION:**

The April 20, 2021, (reference 03) unemployment insurance decision is affirmed. Ms. Pulscher has been overpaid REGULAR UI benefits in the amount of \$3,430.00, which must be repaid.



---

Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

July 16, 2021  
Decision Dated and Mailed

dz/kmj