

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HOUDA BELHAK
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-23493-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Houda Belhak, the claimant/appellant, filed an appeal from the October 15, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance (UI) benefits in the amount of \$3,146.00. Ms. Belhak was properly notified of the hearing. A telephone hearing was held on December 14, 2021. Ms. Belhak participated and testified. Elvedin Buljubasie, Ms. Belhak's husband, testified in her favor. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Belhak been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Belhak filed an initial claim for REGULAR UI benefits effective July 19, 2020. She filed weekly claims from July 19, 2020 through October 17, 2020.

Almost three months after she filed her initial claim, and had already received REGULAR UI benefits, IWD issued a reference 01 decision finding Ms. Belhak not eligible for REGULAR UI benefits based on a June 16, 2020 discharge from work. Ms. Belhak appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-23492-DZ-T, reversed the reference 02 decision and found Ms. Belhak eligible for REGULAR UI benefits.

Ms. Belhak had received REGULAR UI benefits in the amount of \$3,146.00 for 13 weeks from July 19, 2020 through October 17, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Belhak has not 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.

Since Ms. Belhak is eligible for REGULAR UI benefits per the administrative law judge's decision in Appeal 21A-UI-23492-DZ-T, she has not been overpaid REGULAR UI benefits.

DECISION:

The October 15, 2021, (reference 03) unemployment insurance decision is reversed. Ms. Belhak has not been overpaid REGULAR UI benefits.



Daniel Zeno
Administrative Law Judge
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Unemployment Insurance Appeals Bureau
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January 19, 2022

Decision Dated and Mailed

dz/abd