

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PIERCE J MEADE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 24R-UI-02019-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/24/22
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Pierce J. Meade, the claimant/appellant,¹ appealed the Iowa Workforce Development December 20, 2023 (reference 32) unemployment insurance (UI) decision. IWD concluded that IWD overpaid Mr. Meade REGULAR (state) UI benefits in the total gross amount of \$531.00 for the week of February 5-11, 2023 because the October 31, 2023 (reference 17) UI decision denied him UI benefits for this week. On December 28, 2023, the Iowa Department of Inspections, Appeals and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Meade and IWD for a telephone hearing scheduled for January 10, 2024.

Mr. Meade did not participate in the January 10 hearing. So, the January 11, 2024 Administrative Law Judge Decision in Appeal 23A-UI-11938-DZ-T dismissed Mr. Meade's appeal. Mr. Meade appealed the Administrative Law Judge Decision to the Employment Appeal Board (EAB). The February 19, 2024 EAB Decision concluded that Mr. Meade did not participate in the January 10 hearing because he did not receive the notice of hearing until after the hearing date. So, the EAB remanded (sent back) the appeal back to an administrative law judge for a new hearing. On February 28, 2024, the DIAL, UI Appeals Bureau mailed a notice of hearing to Mr. Meade and IWD for a telephone hearing scheduled for March 18, 2024.

The administrative law judge held a telephone hearing on March 18, 2024. Mr. Meade participated in the hearing personally. IWD did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

Did IWD overpay Mr. Meade REGULAR (state) UI benefits in the total gross amount of \$531.00 for the week of February 5-11, 2023?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Meade applied for REGULAR (state) UI benefits effective April 24, 2022. IWD set his weekly UI benefit amount at \$531.00 before taxes, if any, are withheld. In relevant part, Mr. Meade filed a weekly

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

UI claim for the week of February 5-11, 2023 and reported \$0.00 in wages for this week. IWD paid Mr. Meade REGULAR (state) UI benefits of \$531.00 for this week.

After IWD had already sent him the money, IWD mailed Mr. Meade an October 31, 2023 (reference 17) UI decision denying him REGULAR (state) UI benefits for this week because IWD concluded he did not meet the reemployment activities requirement this week. Mr. Meade appealed this decision. The Administrative Law Judge Decision in Appeal 24R-UI-02014-DZ-T affirmed the reference 17 UI decision. This means Mr. Meade is not eligible for REGULAR (state) UI benefits for this week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes IWD overpay Mr. Meade REGULAR (state) UI benefits in the total gross amount of \$531.00 for the week of February 5-11, 2023.

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.

IWD sent Mr. Meade REGULAR (state) UI benefits of \$531.00 for the week of February 5-11, 2023. After IWD had already sent him the money, IWD found Mr. Meade not eligible to receive UI benefits, per the October 31, 2023 (reference 17) UI decision. The Administrative Law Judge Decision in Appeal 24R-UI-02014-DZ-T affirmed the reference 17 decision. So, Mr. Meade is not eligible for the UI benefits IWD sent him for this week.

IWD overpaid Mr. Meade REGULAR (state) UI benefits in the total gross amount of \$531.00 for the week of February 5-11, 2023. Mr. Meade is required to repay these benefits back to IWD.

DECISION:

The December 20, 2023 (reference 32) UI decision is AFFIRMED. IWD overpaid Mr. Meade REGULAR (state) UI benefits in the total gross amount of \$531.00 for the week of February 5-11, 2023, and he is required to repay these benefits back to IWD.



Daniel Zeno
Administrative Law Judge

March 20, 2024
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.