

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SEAN A CLARKE
Claimant

APPEAL 22A-UI-09334-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/17/21
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 8, 2022 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment insurance benefits in the amount of \$2,515.00 for the five weeks between October 17, 2021 and November 20, 2021. The claimant was properly notified of the hearing. A telephone hearing was held on May 24, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for unemployment insurance benefits effective October 17, 2021. Between October 17, 2021 and November 20, 2021, the claimant was paid regular unemployment insurance benefits of \$2,515.00. An Administrative Law Judge (ALJ) decision was issued by Judge Beckman on February 4, 2022 finding that the claimant was not eligible for unemployment insurance benefits effective October 17, 2021 as his unemployment stemmed from a labor dispute. No appeal to the Employment Appeal Board has been filed by the claimant to have Judge Beckman's decision reversed and it remains in effect.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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**

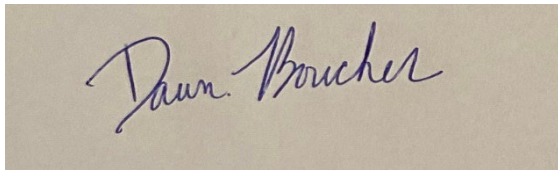
fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

(emphasis added).

In this case, the claimant was paid regular unemployment insurance benefits from October 17, 2021 through November 20, 2021 in the amount of \$2,515.00 but was later determined to be ineligible for those benefits due to his unemployment being the subject of a labor dispute. That disqualifying decision has not been reversed by the Employment Appeal Board and no appeal is currently docketed regarding Appeal No 21A-UI-24397. As such, the claimant is overpaid regular unemployment insurance benefits of \$2,515.00. Those benefits must be repaid to the agency.

DECISION:

The February 8, 2022 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits in the amount of \$2,515.00 for the weeks between October 17, 2021 through November 20, 2021.



Dawn Boucher
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

db/db