

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARILYN M YEANAY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-01600-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/29/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Marilyn M. Yeanay, filed an appeal from the February 21, 2020 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that concluded she was overpaid \$2,115.00 in unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was held on March 10, 2020. The hearing was held jointly with 20A-UI-01599-JC-T. The claimant participated personally and through Timothy Luce, attorney at law. Claimant’s husband, Lawrence Yeanay, also testified.

The administrative law judge took official notice of the administrative records. Department Exhibits D-1 through D-4 were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

Note to claimant: Additional information about food, housing, and other resources, can be found by dialing 211 or at www.211iowa.org.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 29, 2019. The claimant filed for and received a total of \$2,115.00 in unemployment insurance benefits for the weeks between December 29, 2019 and February 11, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 20A-UI-01599-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 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 reversed, the claimant was not overpaid \$2,115.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 21, 2020, (reference 03), is reversed. The claimant was not overpaid benefits.

Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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Decision Dated and Mailed

jlb/scn