

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWNA L MOORE
Claimant

APPEAL 21A-UI-25622-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/08/20
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Shawna L Moore, the claimant/appellant, filed an appeal from the November 12, 2021, (reference 04) unemployment insurance (UI) decision that concluded she was overpaid REGULAR UI benefits in the gross amount of \$2,134.00. The parties were properly notified about the hearing. A telephone hearing was held on January 20, 2022. Ms. Moore participated and testified. Ms. Moore waived notice, on the record, on the issue of overpayment. The administrative law judge took official notice of the administrative record.

ISSUE:

Has Ms. Moore been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Moore filed an initial claim for REGULAR UI benefits effective November 8, 2020. She filed weekly claims and received REGULAR UI benefits in the gross amount of \$2,134.00 for 8 weeks between November 8, 2020 and January 2, 2021.

Over two months after she filed her initial claim, and after she had already received REGULAR UI benefits, IWD issued a reference 03 decision finding Ms. Moore not eligible for REGULAR UI benefits. Ms. Moore appealed the reference 03 decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-25621-DZ-T, affirmed the reference 03 decision.

REASONING AND CONCLUSIONS OF LAW:

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

Per Iowa law, Ms. Moore has been overpaid REGULAR UI benefits in the gross amount of \$2,134.00 for 8 weeks between November 8, 2020 and January 2, 2021. Ms. Moore has been overpaid REGULAR UI benefits because she is not qualified and/or eligible to receive REGULAR UI benefits per the January 22, 2021, (reference 03) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-25621-DZ-T.

DECISION:

The November 12, 2021, (reference 04) unemployment insurance decision is affirmed. Ms. Moore has been overpaid REGULAR UI benefits in the gross amount of \$2,134.00, which must be repaid.



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

February 11, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. MOORE:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
 - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>.
 - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
 - Go to the last two sentences in that section.
 - The PUA application link is at the end of the second-to-last sentence of the section.
 - The reference number is the pin number you used for the appeal hearing.
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But, you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**