

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**HAROLD J SPEAR**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 20A-UI-13558-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/24/19  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On October 31, 2020, the claimant filed an appeal from the October 22, 2020, (reference 02) unemployment insurance decision that found claimant overpaid benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 19, 2021. Claimant participated.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$1,924.00 for the four weeks ending March 28, 2020. On April 1, 2020, Iowa Workforce Development issued a reference 01 decision finding claimant disqualified from receiving unemployment insurance benefits. That decision has been affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid 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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid REGULAR unemployment insurance benefits in the amount noted in the findings of fact above as claimant was not qualified or was ineligible to receive REGULAR unemployment insurance benefits.

**DECISION:**

The October 22, 2020, (reference 02) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,924.00.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

February 4, 2021  
Decision Dated and Mailed

cal/mh

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.