

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BEVERLY A GIBSON**  
Claimant

**APPEAL NO. 21A-UI-03880-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/02/20**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On January 26, 2021, Beverly Gibson (claimant/appellant) appealed the January 20, 2021 (reference 05) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$4,408.00 for the 17 weeks between March 15 and July 11, 2020, as a result of a disqualification decision.

A telephone hearing was held on March 19, 2021. The parties were properly notified of the hearing. Claimant participated personally. Residential support supervisor Josie Krause and program manager Erik Gregersen participated as witnesses for claimant.

Claimant's exhibit 1 was admitted. Official notice was taken of the administrative record.

**ISSUE:**

Was the claimant overpaid regular, state unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The overpayment in this case was the result of a decision denying benefits from March 15 through July 11, 2020. That decision has since been modified in favor of appellant, allowing benefits from the benefit week ending March 21, 2020 through the benefit week ending June 27, 2020. See 21A-UI-03878-AD-T.

The unemployment insurance system shows claimant received weekly benefits in the amount of \$388.00 for a total of two weeks after the date of disqualification, from the benefit week ending July 4, 2020 and continuing through the benefit week ending July 11, 2020. The total amount of benefits paid during those weeks is \$776.00.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the January 20, 2021 (reference 05) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$4,408.00 for the 17 weeks between March 15 and July 11, 2020, as a result of a disqualification decision is MODIFIED in favor of appellant. She has been overpaid benefits in the amount of \$776.00.

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.

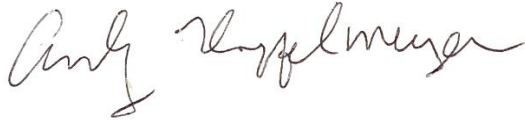
b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The overpayment in this case was the result of a decision denying benefits from March 15 through July 11, 2020. That decision has since been modified in favor of appellant, allowing benefits from the benefit week ending March 21, 2020 through the benefit week ending June 27, 2020. See 21A-UI-03878-AD-T.

The unemployment insurance system shows claimant received weekly benefits in the amount of \$388.00 for a total of two weeks after the date of disqualification, from the benefit week ending July 4, 2020 and continuing through the benefit week ending July 11, 2020. The total amount of benefits paid during those weeks is \$776.00. Claimant has been overpaid benefits in that amount.

**DECISION:**

The January 20, 2021 (reference 05) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$4,408.00 for the 17 weeks between March 15 and July 11, 2020, as a result of a disqualification decision is MODIFIED in favor of appellant. She has been overpaid benefits in the amount of \$776.00.



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

March 25, 2021  
Decision Dated and Mailed

abd/lj

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.