IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

ROBERT ASHER
Claimant

APPEAL 20A-UI-01426-JC-T
ADMINISTRATIVE LAW JUDGE DECISION

IOWA WORKFORCE DEVELOPMENT DEPARTMENT

OC: 12/22/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant, Robert Asher, filed an appeal from the February 13, 2020 (reference 02) Iowa Workforce Development ("IWD") unemployment insurance decision that established an overpayment of benefits The parties were properly notified about the hearing. A telephone hearing was held on March 4, 2020. The hearing was held jointly with Appeal 20A-UI-01425-JC-T. The claimant did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. However, the hearing was held at the employer’s request and pursuant to Iowa Administrative Rule 871-26.14(6). The employer, Manpower International Inc., participated through Gail Gonyaw, recruiter. The administrative law judge took official notice of the administrative records. Department Exhibit D-1 (Claimant’s appeal letter) was 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.

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 22, 2019. The claimant filed for and received a total of $453.00 in unemployment insurance benefits for the weeks between December 22, 2019 and January 4, 2020. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 20A-UI-01425-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:

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 affirmed, the claimant was overpaid $453.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 13, 2020 (reference 02) is affirmed. The claimant was overpaid $453.00 in unemployment insurance benefits.

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Jennifer L. Beckman
Administrative Law Judge
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Decision Dated and Mailed

jlb/scn