

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN T GARANG
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22R-UI-08343-S2-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
Claimant: Appellant (1R)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant John T. Garang appealed a representative's decision dated October 19, 2021, (reference 02) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After due notice was issued, a hearing was scheduled for December 17, 2021. On December 13, 2021, claimant's attorney requested a postponement because he could not attend the hearing. Claimant's attorney did not receive a response to the request and the hearing proceeded without him. On January 20, 2022, an administrative law judge issued a decision affirming the underlying decision. Claimant appealed to the Employment Appeal Board (EAB) and requested a rehearing. On April 4, 2022, the EAB remanded this matter for a new hearing. After the EAB remanded, due notice was issued, and a hearing was scheduled for May 18, 2022.

Prior to the scheduled hearing date, claimant's attorney, Marlon Mormann, requested to have the matter adjudicated based on the record due to claimant's unavailability as he is employed as a sailor and would be working on a ship for the next several months. The administrative law judge granted the request. Claimant provided a signed declaration, a paystub, and a departure status document. These documents were received. The administrative law judge now takes official notice of the claimant's unemployment insurance benefits records.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On October 12, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits. That decision has been affirmed. See 21A-UI-02462-SC-T. Claimant did receive benefits in the gross amount of \$5,291.00 for the eleven-week period ending August 15, 2020.

Claimant contends he has earned ten times his weekly benefit amount since his February 19, 2020, separation, thus he requalified for benefits and was not overpaid. Claimant worked for

American Seafood between February 18, 2020, and May 25, 2020. The administrative record does not show any wages earned by since claimant's separation in February 2020.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid unemployment insurance 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.

Claimant argues he has requalified for benefits since his separation with this employer. The underlying disqualification decision remains in effect and the administrative law judge does not have the authority to disturb that decision. As such, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$5,291.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

The issue of whether claimant has requalified for benefits since his February 19, 2020, separation shall be remanded to the Benefits Bureau for an initial investigation and decision.

DECISION:

The decision of the representative dated October 19, 2021, (reference 02) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$5,291.00 to which he was not entitled, and those benefits must be recovered in accordance with the law.

REMAND:

The issue of whether claimant has requalified for benefits since his February 19, 2020, separation is remanded to the Benefits Bureau for an initial investigation and decision.



Stephanie Adkisson
Administrative Law Judge
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June 30, 2022
Decision Dated and Mailed

sa/mh