

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JOSHUA HOWE**  
Claimant

**APPEAL NO. 22A-UI-07243-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/14/21  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On March 22, 2022, the claimant Joshua Howe appealed the March 17, 2022, (reference 01) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$3,451.00 for the seven-week period ending April 3, 2021. A telephone hearing was held at 2:00 p.m. on May 9, 2022, pursuant to due notice and was consolidated with the hearing for 22A-UI-07245-JD-T. The claimant, Joshua Howe, participated and testified. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$3,451.00 for the seven-week period ending April 3, 2021. On April 20, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that allowed benefits. The claimant's separation from his employer was not disqualifying and this overpayment decision was issued in error.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

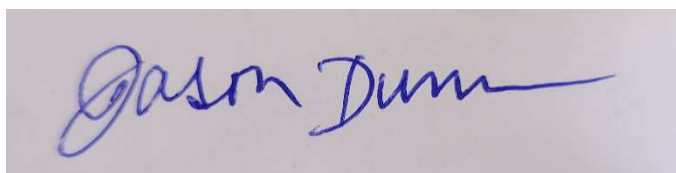
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

The administrative law judge concludes that the claimant has not been overpaid regular unemployment insurance benefits in the amount of \$3,451.00 pursuant to Iowa Code § 96.3(7) as no disqualification decision was issued and the claimant's separation from his employer was an allowance decision. The overpayment decision was issued in error.

**DECISION:**

The March 17, 2022 (reference 01) decision is reversed. Claimant has not been overpaid regular unemployment insurance benefits in the amount of \$3,451.00, and he is not required to repay those benefits. This overpayment decision was issued in error.



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May 31, 2022  
Decision Dated and Mailed

jd/kmj