

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE E GRANDGENETT
Claimant

APPEAL 22A-UI-09080-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 30, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid Unemployment Insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on May 25, 2022. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant was overpaid UI benefits.

FINDINGS OF FACT:

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

On February 5, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that allowed benefits but removed wages earned with Malo Restaurant from the claim which reduced claimant's entitlement and resulted in an overpayment. The February 5, 2021 decision has been modified in claimant's favor (see appeal 22A-UI-09079-AW-T). Wages earned with Malo Restaurant are not removed from the claim and, therefore, claimant's entitlement is not reduced. Furthermore, claimant's separation is not disqualifying.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

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.

Claimant's entitlement was not reduced and her separation was not disqualifying. Claimant was entitled to the UI benefits she received and, therefore, was not overpaid.

DECISION:

The March 30, 2022 (reference 03) unemployment insurance decision is reversed. Claimant was not overpaid UI benefits.



Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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May 31, 2022
Decision Dated and Mailed

acw/ACW