

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DONALD J PINNEY
Claimant

APPEAL NO. 22A-UI-09771-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/19/21
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

On April 29, 2022, Donald Pinney (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated April 20, 2022 (reference 06) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$531.00 for the one-week period between March 20 and March 26, 2022 as a result of a prior decision denying benefits during that period.

A telephone hearing was held on June 3, 2022. The parties were properly notified of the hearing. Appeal Nos. 22A-UI-09765, 22A-UI-09767, 22A-UI-09768, and 22A-UI-09771 are related and were heard together, forming a single hearing record. The claimant participated personally. No exhibits were offered or admitted. Official notice was taken of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

FINDINGS OF FACT:

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

The administrative record shows claimant received UI in the amount of \$531.00 during the week in question. Claimant was subsequently determined to be ineligible for benefits during that week in a decision dated April 5, 2022. That decision has now been reversed. See 22A-UI-09767-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated April 20, 2022 (reference 06) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$531.00 for the one-week period between March 20 and March 26, 2022 as a result of a prior decision denying benefits during that period is REVERSED.

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 administrative record shows claimant received UI in the amount of \$531.00 during the week in question. Claimant was subsequently determined to be ineligible for benefits during that week in a decision dated April 5, 2022. That decision has now been reversed. See 22A-UI-09767-AD-T.

The decision which found claimant ineligible for benefits during the period in question and which led to the determination that claimant was overpaid UI has been reversed. Because claimant was eligible for benefits during the period in question he was not overpaid UI.

DECISION:

The decision dated April 20, 2022 (reference 06) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$531.00 for the one-week period between March 20 and March 26, 2022 as a result of a prior decision denying benefits during that period is REVERSED. Claimant was not overpaid UI during the period in question.



Andrew B. Duffelmeyer
Administrative Law Judge

June 6, 2022
Decision Dated and Mailed

abd/abd