

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GERALD W SIMPSON
Claimant

APPEAL 20A-UI-13261-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 04/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On October 27, 2020, an appeal was docketed for the unemployment insurance decision dated October 27, 2020, reference 04, that concluded Gerald W. Simpson (claimant) was overpaid \$1,246.00 in unemployment insurance benefits. The parties were properly notified about the hearing held by telephone on December 10, 2020. The hearing for this appeal was consolidated with the hearings for appeals 20A-UI-12625-SC-T and 20A-UI-13263-SC-T. The claimant participated personally. Kelly Services, USA (employer) participated through Pauline VanHorn, Talent Care Specialist. The Department's Exhibits D1 and D2 were admitted into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's Iowa Workforce Development (IWD) call history.

ISSUE:

Has the claimant been overpaid regular unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 5, 2020. The claimant filed for and received a total of \$1,246.00 in regular unemployment insurance benefits for the weeks between April 5 and April 25. 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-12625-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits, which must be repaid.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,246.00 in regular unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 27, 2020, reference 04, is affirmed. The claimant was overpaid \$1,246.00 in regular unemployment insurance benefits, which must be repaid.



Stephanie R. Callahan
Administrative Law Judge

December 21, 2020
Decision Dated and Mailed

src/scn