

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIGUEL A FERNANDEZ
Claimant

APPEAL 22A-UI-06780-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/04/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant/Appellant, Miguel A. Fernandez, filed an appeal from the March 10, 2022 (reference 02) unemployment insurance decision that established an overpayment of benefits. After due notice was issued, a hearing was held on May 2, 2022. The hearing was held together with Appeals 22A-UI-06779-JC-T and 22A-UI-06782-JC-T. Claimant participated personally. Official notice was taken of the administrative record. Department Exhibit 1 was admitted.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence, the administrative law judge finds, the claimant established a claim for unemployment insurance benefits with an effective date of April 4, 2021. Claimant filed for and received \$571.00 in regular unemployment insurance benefits for the week ending April 10, 2021.

On April 23, 2021, IWD issued a reference 01 decision which denied benefits to claimant effective April 4, 2021. Claimant appealed the decision and the denial was upheld in Appeal 22A-UI-06779-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The next issue in this case is whether the claimant was overpaid regular benefits.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$571.00 in unemployment insurance benefits.

DECISION:

The March 10, 2022 (reference 02) initial decision is affirmed. The claimant is overpaid \$571.00 in regular benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 16, 2022
Decision Dated and Mailed

jlb/scn