

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TREVOR A NEVE
Claimant

APPEAL NO. 22A-UI-06656-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On March 17, 2022, Trevor Neve (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated March 14, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,518.00 for the 20 weeks between March 29 and August 15, 2020 as a result of a prior decision denying benefits.

A telephone hearing was held on May 13, 2022. Appeal Nos. 22A-UI-06651-AD-T, 22A-UI-06656-AD-T, 22A-UI-06657-AD-T, and 22A-UI-06658-AD-T were related and heard together, forming a single hearing record. The parties were properly notified of the hearing. Claimant participated personally. 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 decision denying benefits which was the basis for the decision finding claimant was overpaid has now been reversed. See 22A-UI-06651-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 14, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,518.00 for the 20 weeks between March 29 and August 15, 2020 as a result of a prior decision denying benefits 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 decision denying benefits which was the basis for the decision finding claimant was overpaid has now been reversed. See 22A-UI-06651-AD-T. The decision finding claimant overpaid must therefore also be reversed.

DECISION:

The decision dated March 14, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,518.00 for the 20 weeks between March 29 and August 15, 2020 as a result of a prior decision denying benefits is REVERSED. Claimant was not overpaid UI during the period in question.



Andrew B. Duffelmeyer
Administrative Law Judge

May 17, 2022
Decision Dated and Mailed

abd/abd