

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JESSICA L INMAN**  
Claimant

**APPEAL NO. 21A-UI-25091-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits  
Fed Law PL 116-136, Sec. 2102 – Overpayment of PUA

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the November 4, 2021, reference 01, decision that found claimant to have been overpaid benefits. After due notice was issued, a hearing was held on January 10, 2022. The claimant did participate.

**ISSUES:**

Whether claimant is overpaid PUA unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a ruling claimant triple paid PUA unemployment benefits. Claimant was deemed to have been overpaid \$406.00 in PUA unemployment benefits for the one week ending July 11, 2020. Claimant admitted to receiving these payments. These payments occurred because of a bookkeeping error on the part of IWD.

Claimant previously attempted to repay the overpayments given to her. IWD hadn't figured out the bookkeeping error at the time and did not accept claimant's offer of repayment.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7)a-b, as amended in 2008, provides:

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 employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

(b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

Here, the claimant has received three payments of \$203.00 for the one week ending July 11, 2020. The claimant was entitled to one of those payments. The claimant was overpaid \$406.00 in Pandemic Unemployment Assistance (PUA). Although these overpayments resulted through an error on the part of IWD, claimant is still responsible for repayment of the overpayment amounts.

**DECISION:**

The unemployment insurance decision dated November 4, 2021, (reference 01), is affirmed. The claimant was overpaid \$406.00 in Pandemic Unemployment Assistance (PUA).



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Blair A. Bennett  
Administrative Law Judge

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February 1, 2022  
Decision Dated and Mailed

bab/kmj

**NOTE TO CLAIMANT:**

- This decision determines you have been overpaid FPUC benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- You may also request a waiver of this overpayment. The written request must include the following information:
  1. Claimant name & address.
  2. Decision number/date of decision.
  3. Dollar amount of overpayment requested for waiver.
  4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development  
Overpayment waiver request  
1000 East Grand Avenue  
Des Moines, IA 50319
- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.