

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

LETICIA T VILLANUEVA
Claimant

APPEAL NO: 09A-UI-17207 -DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/12/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 28, 2009 decision (reference 02) that held her overpaid \$1,265.00 in benefits she received for the weeks ending July 18 through August 15, 2009. The overpayment occurred as the result of an August 21, 2009 representative's decision that disqualified her from receiving benefits as of July 12, 2009. A telephone hearing was scheduled on December 22, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant overpaid benefits she received for the weeks ending July 18 through August 15, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 12, 2009. The claimant filed claims for the weeks ending July 18 through August 15, 2009. She received her maximum weekly benefit amount of \$228.00 for each of these weeks. The claimant also received an additional \$25.00 each week from the government's economic stimulus program.

The claimant appealed the representative's August 21, 2009 decision. This decision has been affirmed. See decision for appeal 09A-UI-17206-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. Based on the decision for appeal 09A-UI-17206-DWT, the claimant is not legally entitled to receive benefits for the weeks ending July 18 through August 15, 2009. Therefore, she has been overpaid a total of \$1,265.00 in benefits she received for these weeks.

The record shows the Department has already offset the overpayment from benefits the claimant was entitled to receive for the weeks ending October 24 through November 28, 2009. As of December 22, 2009, the claimant does not owe the Department any money.

DECISION:

The representative's October 28, 2009 decision (reference 02) is affirmed. The claimant was not legally entitled to receive benefits for the weeks ending July 18 through August 15, 2009. She was overpaid \$1,265.00 in benefits she received for these weeks. As of December 22, 2009, the claimant does not owe any money to the Department because the Department has already recouped the overpayment from the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css