

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERESA A SNODGRASS**  
Claimant

**APPEAL NO: 11A-UI-16420-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/24/09  
Claimant: Appellant (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 13, 2011 determination (reference 09) that held her overpaid \$1,415.00 in benefits she received or was entitled to receive but had been used to offset a prior overpayment. The \$1,415.00 overpayment occurred as the result of a March 23, 2010 determination that disqualified the claimant from receiving benefits as of February 6, 2010. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid \$1,415.00 in benefits.

**ISSUE:**

Has the claimant been overpaid \$1,415.00 in benefits she filed for the weeks ending February 13 through March 13, 2010?

**FINDINGS OF FACT:**

The claimant established a claim for benefit during the week of May 24, 2009. She reopened her claim during the week of February 7, 2010. She filed claims for the weeks ending February 13 through March 20, 2010. She was entitled to receive a gross maximum weekly benefit amount of \$258.00. The claimant received her maximum weekly benefit plus an additional \$25.00 each from the government's economic stimulus program for the weeks ending February 13 through March 13, 2010. The Department did not issue the claimant checks for a gross payment of \$1,415.00 for these weeks, but instead used these benefits to offset a previously established overpayment.

On December 21, 2011, the claimant appealed the March 23, 2010 determination that disqualified her from receiving benefits as of February 6, 2010. This determination has been affirmed. See decision for appeal 11A-UI-16419-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 11A-UI-16419-DWT, the claimant is not legally entitled to receive benefits or use benefits for the weeks ending February 13 through March 13, 2010, to offset a previously established overpayment.

The claimant has been overpaid \$1,415.00 in benefits that were used to reduce a previously established overpayment. Even though the claimant is not at fault in receiving the overpayment, she is still legally responsible for paying back benefits she was not legally entitled to receive or have used on her behalf to offset an earlier overpayment.

**DECISION:**

The representative's December 13, 2011 determination (reference 09) is affirmed. The claimant has been overpaid \$1,415.00 in benefits that are attributed to the weeks ending February 13 through March 13, 2010. The claimant is not at fault in receiving the overpayment, but she is still legally responsible for paying back benefits that were used to offset a prior overpayment.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs