

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE L DRILLING
Claimant

APPEAL NO: 11A-EUCU-00789-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/09
Claimant: Appellant (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 14, 2011 determination (reference 05) that held she had been overpaid \$8,284.00 in Emergency Unemployment Compensation benefits she received April 3 through September 17, 2011. The overpayment occurred as the result of a representative's October 7, 2011 determination that held she was not eligible to receive Emergency Unemployment Compensation benefits as of April 3, 2011. A telephone hearing was held on November 18, 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 Emergency Unemployment Compensation benefits she received from April 3 through September 17, 2011.

ISSUE:

Has the claimant been overpaid Emergency Unemployment Compensation benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of April 5, 2009. She started receiving Emergency Unemployment Compensation benefits the week ending February 27, 2010. She was monetarily eligible to establish a new benefit year the week of April 4, 2010. She received regular unemployment insurance benefits for the weeks ending April 10 through November 6, 2010. When the claimant exhausted her regular unemployment insurance benefits, the Department automatically switched her back to Emergency Unemployment Compensation benefits she was eligible to receive under her April 5, 2009 claim. She started receiving Emergency Compensation benefits the week ending November 13, 2010. She filed claims for the weeks ending April 9 through September 17, 2011. She received a total of \$8,284.00 in Emergency Unemployment Compensation benefits for these weeks.

The claimant appealed the representative's October 7 determination that held her ineligible to receive Emergency Unemployment Compensation benefits as of April 3, 2011, because she was instead monetarily eligible to receive regular benefits during these weeks. The October 7 determination has been affirmed. See decision for appeal 11A-EUCU-00788-DWT.

The claimant went to her local Workforce office the first week of May 2011. At that time she asked if there anything she needed to do and asked if she should apply for training extension benefits. The representative told her there was nothing she needed to do and she was still eligible to receive benefits. The claimant relied on the Department's expertise to pay her only benefits she was legally entitled to receive. The claimant did not know or understand she was required to establish a new claim or have a Department representative review her claim in early April 2011 to see if she was required to establish a new benefit year.

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-EUCU-00788-DWT, the claimant is not legally entitled to receive Emergency Unemployment Compensation benefits for the weeks ending April 9 through September 17, 2011. She has been overpaid \$8,284.00 in Emergency Unemployment Compensation benefits she received for these weeks.

Even though the claimant is NOT at fault in receiving the overpayment, she is responsible for paying back the \$8,284.00 in benefits she was not legally entitled to receive.

DECISION:

The representative's October 14, 2011 determination (reference 05) is affirmed. Even though the claimant is NOT at fault, she has been overpaid \$8,284.00 in Emergency Unemployment Compensation benefits she received for the weeks ending April 9 through September 17, 2011. She is required to payback this overpayment.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs