

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAULA L MCNEVIN
Claimant

APPEAL NO: 07A-UI-07700-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/01/07 R: 04
Claimant: Appellant (1)**

Section 96.5-3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Paula L. McNevin (claimant) appealed a representative's August 6, 2007 decision (reference 03) that concluded she had been overpaid \$402.00 in benefits she received for the weeks ending July 7 through 28, 2007. The overpayment occurred as the result of a representative's decision that concluded the claimant was not qualified to receive unemployment insurance benefits as of July 1, 2007. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 27, 2007. The claimant responded to the hearing notice, but was not available for the hearing. The claimant did not respond to the message left on her answering machine. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid \$420.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 1, 2007. She filed claims for the weeks ending July 7 through 28, 2007. The claimant received \$420.00 in benefits for these weeks.

The claimant appealed a representative's August 3, 2007 decision that held the claimant was not qualified to receive benefits as of July 1, 2007. This decision has been affirmed. See decision for appeal 07A-UI-07699-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 section 96.3-7. Based on the decision for appeal 07A-UI-07699-DWT, the claimant is not legally entitled to receive benefits for the weeks ending July 7 through 28, 2007. She has been overpaid \$420.00 in benefits she received for these weeks.

DECISION:

The representative's August 6, 2007 decision (reference 03) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending July 7 through 28, 2007. The claimant has been overpaid and must repay a total of \$420.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs