

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JON G MORRIS
Claimant

APPEAL NO. 10A-UI-16067-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 November 16, 2010 determination (reference 13) that held him overpaid \$2,484.00 in benefits he received for the weeks ending April 10 through May 15, 2010. The overpayment occurred as the result of a May 26, 2010 decision that disqualified him from receiving benefits as of April 4, 2010. The claimant participated the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant has been overpaid benefits he received for the weeks ending April 10 through May 15, 2010.

ISSUES:

Has the claimant been overpaid \$2,484.00 in benefits he received for the weeks ending April 10 through May 15, 2010?

FINDINGS OF FACT:

The claimant reopened his claim during the week of April 4, 2010. He filed for and received benefits for the weeks ending April 10 through May 15, 2010. He received a total of \$2,484.00 in benefits for these weeks.

The claimant appealed a May 26, 2010 determination that disqualified him from receiving benefits as of April 4, 2010. This determination has been affirmed. See decision for appeal 10A-UI-16066-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits he 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 10A-UI-16066-DWT, the claimant is not legally entitled to receive benefits for the weeks ending April 10 through May 15, 2010.

Even though the claimant is not at fault in receiving the \$2,484.00 overpayment, he is still required to repay this amount to the Department.

DECISION:

The representative's November 16, 2010 determination (reference 13) is affirmed. Even though the claimant is not at fault in receiving the overpayment, he has been overpaid \$2,484.00 in benefits he received for the weeks ending April 4 through May 15, 2010. The claimant is required to repay this amount to the Department.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw