

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY L MORGAN
Claimant

APPEAL NO. 09A-UI-18932-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/22/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's December 7, 2009 decision (reference 04) that concluded he had been overpaid \$2,316.00 in Emergency Unemployment Compensation benefits he received from Iowa for the weeks ending August 29 through October 3, 2009. The overpayment occurred as the result of a representative's November 30, 2009 decision that held he was not eligible to receive Emergency Unemployment Compensation benefits from Iowa as of August 23, 2009 because he was eligible to receive regular unemployment insurance benefits from Kansas. A hearing was held on January 30, 2010. 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 been overpaid \$2,316.00 in Emergency Unemployment Compensation benefits he received from Iowa for the weeks ending August 29 through October 3, 2009?

FINDINGS OF FACT:

The claimant established a claim for regular unemployment insurance benefits during the week of February 22, 2009. After his regular benefits had been exhausted, the week ending August 22, 2009, the claimant started receiving Emergency Unemployment Compensation benefits from Iowa. The claimant filed claims for the weeks ending August 29 through October 3, 2009. He received his maximum weekly benefits amount of \$361.00 for each of these weeks. He received an additional \$25.00 each week from the government's economic stimulus program.

After the claimant learned he should file a claim for regular benefits in Kansas, he did. The claimant's Kansas claim has been made effective as of August 23, 2009. The claimant has received information that he is eligible to receive benefits from Kansas.

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. Since the claimant is eligible to receive regular unemployment insurance benefits from Kansas as of August 23, 2009, he was not legally entitled to receive Emergency Unemployment Compensation benefits from Iowa for the weeks ending August 29 through October 3, 2009. Therefore, he has been overpaid a total of \$2,316.00 in benefits he received from Iowa for the weeks ending August 29 through October 3, 2009.

The record indicates Iowa has asked Kansas to send Iowa the unemployment insurance benefit money the claimant may be entitled to receive from Kansas for the weeks ending August 29 through October 3, or until the overpayment in Iowa has been repaid. At the time of the hearing, the claimant had not received any money from Kansas but had been told he was eligible to receive benefits from Kansas of August 23, 2009. Some, if not all, of the overpayment in Iowa should be offset by the benefits the claimant is entitled to receive from Kansas. If the claimant has a question about whether Kansas has sent money to Iowa to offset this overpayment, he should contact his local representative for this assistance.

At the hearing, the claimant discussed the overpayment that occurred for the week ending October 10, 2009. The claimant did not dispute this overpayment.

DECISION:

The representative's December 7, 2009 decision (reference 04) is affirmed. Since the claimant is eligible to receive regular benefits from Kansas as of August 23, 2009, he is not legally entitled to receive Emergency Unemployment Compensation benefits from Iowa as of August 23, 2009. He has been overpaid \$2,316.00 in Emergency Unemployment Compensation benefits he received from Iowa for the weeks ending August 29 through October 3, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw