

2005, another hearing was held. The claimant participated in the hearing. Ike Rocha interpreted the hearing. Based on the evidence, the arguments of the claimant from both hearings, 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 any benefits for the weeks ending May 28 through July 9, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of May 22, 2005. She filed claims for the weeks ending May 28 through July 9, 2005. The claimant received \$2,453.00 in benefits for these weeks.

The claimant appealed a representative's July 14, 2005 decision that disqualified her from receiving benefits as of May 22, 2005. This decision has been affirmed. See decision for appeal 05O-UI-10227-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 05O-UI-10227-DWT, the claimant is not legally entitled to receive benefits for the weeks ending May 28 through July 9, 2005. The claimant has been overpaid \$2,453.00 in benefits she received for these weeks.

DECISION:

The representative's July 19, 2005 decision (reference 02) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending May 28 through July 9, 2005. The claimant has been overpaid and must repay \$2,453.00 in benefits she received for these weeks.

dlw/s