

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PA H XIONG
Claimant

APPEAL NO. 11A-UI-04030-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/21/10
Claimant: Appellant (2)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 28, 2011 determination (reference 03) that held her overpaid \$6,361.00 in benefits she received September 26, 2010, through February 19, 2011. The overpayment occurred because a representative's March 22 2011 determination disqualified her from receiving benefits as of September 26, 2010. The claimant participated in the hearing. Doua Lor interpreted the hearing. The claimant's husband observed the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant has not been overpaid the benefits she received September 26, 2010, through February 19, 2011.

ISSUE:

Has the claimant been overpaid \$6,361.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 21, 2010. She filed claims for the weeks ending October 2, 2010 through February 19, 2011. She received a total of \$6,361.00 in benefits for these weeks.

The claimant appealed a representative's March 22, 2011 determination that disqualified her from receiving benefits as of September 26, 2010. This determination has been reversed. See decision for appeal 11A-UI-04029-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 11A-UI-04029-DWT, the claimant is legally entitled to receive benefits for the weeks ending October 2, 2010, through February 19, 2011. This means she has **NOT** been overpaid \$6,361.00 in benefits she received for these weeks.

DECISION:

The representative's March 28, 2011 determination (reference 03) is reversed. The claimant was legally entitled to receive benefits for the weeks ending October 2, 2010, through February 19, 2011. Therefore, she has not been overpaid \$6,361.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw