

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE A FISTER
Claimant

APPEAL NO: 10A-UI-16109-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 16, 2010 determination (reference 04) that held her overpaid \$12,076.00 in emergency unemployment compensation benefits she received from Iowa for the weeks ending May 15 through November 6, 2010. The claimant participated in the phone hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant has been overpaid the emergency unemployment compensation benefits she received from Iowa for the weeks ending May 15 through November 6, 2010.

ISSUE:

Has the claimant been overpaid \$12,076.00 in emergency unemployment compensation benefits she received from Iowa for the weeks ending May 15 through November 6, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits in Iowa during the week of November 1, 2009. She received regular unemployment insurance benefits from Iowa through the week ending May 8, 2010. She started receiving Emergency Unemployment Compensation benefits from Iowa the week of May 9, 2010. She filed claim for the weeks ending May 15 through November 6, 2010. She received a total of \$12,076.00 in benefits from Iowa for these weeks.

As directed by Iowa, the claimant established a claim for regular benefits in Illinois and was determined eligible to receive \$503.00 a week as of May 9, 2010 from Illinois. Illinois paid the claimant regular benefits for the weeks ending May 15 through November 6, 2010.

Based on the decision for appeal 10A-UI-16108-DWT, the claimant is not legally entitled to receive Emergency Unemployment Compensation benefits from Iowa for the weeks ending May 15 through November 6, 2010.

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 10A-UI-16108-DWT, the claimant was not legally entitled to receive emergency unemployment compensation benefits from Iowa for the weeks ending May 15 through November 6, 2010. This means she has been overpaid \$12,076.00 in benefits she received from Iowa for these weeks. The claimant is not at fault in receiving this overpayment.

When Illinois paid the claimant regular benefits for the weeks ending May 15 through November 6, she received benefits from both Iowa and Illinois for the same weeks. Since Illinois paid these benefits directly to the claimant, she should have paid Iowa for the benefits she had already received, but did not. As of the date of the hearing, the claimant has been overpaid and must repay \$12,076.00 in benefits she received from Iowa for the weeks ending May 15 through November 6, 2010.

DECISION:

The representative's November 16, 2010 determination (reference 04) is affirmed. The claimant has been overpaid a total of \$12,076.00 in benefits she received from Iowa for the weeks ending May 15 through November 6, 2010. Even though the claimant is not at fault in receiving in the overpayment, she is still required to pay this money back to Iowa.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css