

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**STEVEN L MCCORMICK
57292 MARNE RD
MARNE IA 51552**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-01155-DWT
OC 479-60-2942 R 01
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 - – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Steven L. McCormick (claimant) appealed a representative's February 3, 2004 decision (reference 02) that concluded he had been overpaid \$600.00 in benefits he received for the weeks ending January 10 and 17, 2004. The overpayment occurred as a result of another decision (reference 01) that held the claimant ineligible to receive benefits from January 4 through September 11, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 25, 2004. 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 \$600.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of January 4, 2004. He filed claims for the weeks ending January 10 and 17, 2004. The claimant received a total of \$600.00 in benefits for these weeks.

The claimant appealed a representative's decision that concluded he was not qualified to receive benefits from January 4 through September 11, 2004. This decision has been reversed. See decision for appeal 04A-UI-01154-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 04A-UI-01154-DWT, the claimant is legally entitled to receive unemployment insurance benefits as of January 4, 2004. Therefore, the claimant has not been overpaid \$600.00 in benefits he received for the weeks ending January 10 and 17, 2004.

DECISION:

The representative's February 3, 2004 decision (reference 02) is reversed. The claimant is legally entitled to receive unemployment insurance benefits during the weeks ending January 10 and 17, 2004. He has not been overpaid \$600.00 in unemployment insurance benefits he received for these weeks.

dlw/kjf