

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHANA R PETERSCHMIDT
Claimant

APPEAL NO. 10A-UI-04687-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 12/14/08
Claimant: Appellant (2/R)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's March 16, 2010 decision (reference 03) that held she had been overpaid \$434.00 in benefits she received for the week ending January 9, 2010. The overpayment occurred as the result of another representative's decision (reference 02) that held her ineligible to receive benefits for this week. A telephone hearing was held on May 25, 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 \$434.00 in benefits she received for the week ending January 9, 2010?

FINDINGS OF FACT:

The claimant reopened her claim for benefits during the week of January 3, 2010. The claimant filed a claim for the week ending January 9, 2010. She received her maximum weekly benefits amount of \$409.00. She also received an additional \$25.00 from the employer's economic stimulus program.

The claimant appealed the representative's decision (reference 02) that held her ineligible to receive benefits this week. This decision has been reversed. See decision for appeal 10A-UI-04686-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 10A-UI-04686-DWT, the claimant is legally entitled to receive benefits for the week ending January 9, 2010. The claimant has **NOT** been overpaid benefits she received for this week.

It appears from the administrative file that the Department should have established a new benefit year for the claimant during the week of January 3, 2010. This issue is remanded to the Claims Section to review and determine if the claimant should have received regular benefits or Emergency Unemployment Compensation benefits for the week ending January 9, 2010.

DECISION:

The representative's March 16, 2010 decision (reference 03) is reversed. The claimant is legally entitled to receive benefits for the week ending January 9, 2010. She has not been overpaid any benefits for this week. An issue of whether the claimant was eligible for Emergency Unemployment Compensation benefits or regular benefits for the week ending January 9, 2010, is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw