

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A OLSON
Claimant

APPEAL NO: 08A-UI-03316-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/16/07 R: 03
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Patricia A. Olson (claimant) appealed a representative's April 1, 2008 decision (reference 05) that concluded she had been overpaid \$1,926.00 in benefits she received for the weeks ending February 16 through March 22, 2008. The overpayment occurred as the result of a March 28, 2008 decision (reference 04) that held her disqualified as of February 10, 2008. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 21, 2008. 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 any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 16, 2007. She filed claims for the weeks ending February 16 through March 22, 2008. She received a total of \$1,926.00 in benefits for these weeks.

The claimant appealed a representative's March 28 decision (reference 04) that disqualified her from receiving benefits as of February 10, 2008. This decision has been reversed. See decision for appeal 08A-UI-03315-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 section 96.3-7. Based on the decision for appeal 08A-UI-03315-DWT, the claimant is legally entitled to receive benefits for the weeks ending February 16 through March 22, 2008. The claimant has not been overpaid \$1,926.00 in benefits she received for these weeks.

DECISION:

The representative's April 1, 2008 decision (reference 05) is reversed. The claimant is legally entitled to receive benefits for the weeks ending February 16 through March 22, 2008. She has not been overpaid \$1,926.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs