

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENNETH R COE
Claimant

APPEAL NO. 06A-UI-10705-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/13/05 R: 02
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Kenneth R. Coe (claimant) appealed a representative's November 2, 2006 decision (reference 02) that concluded he had been overpaid \$337.00 in benefits he received for the week ending October 7, 2006. The overpayment occurred as the result of a representative's November 1, 2006 decision that held the claimant ineligible to receive benefits as of October 1, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 20, 2006. 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 \$337.00 in benefits he received for the week ending October 7, 2006?

FINDINGS OF FACT:

The claimant reopened his claim during the week of October 1, 2006. The claimant filed a claim for benefits for the week ending October 7, 2006. The claimant received \$337.00 in benefits for this week.

The claimant appealed a representative's November 1, 2006 decision that held the claimant ineligible to receive benefits as of October 1, 2006. This decision has been affirmed. See decision for appeal 06A-UI-010704-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 06A-UI-10704-DWT, the claimant is not legally entitled to receive benefits for the week ending October 7, 2006. The claimant has been overpaid \$337.00 in benefits he received for this week.

DECISION:

The representative's November 2, 2006 decision (reference 02) is affirmed. The claimant is not legally entitled to receive benefits for the week ending October 7, 2006. The claimant has been overpaid and must repay \$337.00 in benefits he received for this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw