

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON E MCDANIEL
Claimant

APPEAL NO: 14A-UI-12375-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/02/14
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's appealed December 2, 2014 (reference 03) determination that held him overpaid \$448 in benefits he received for the week ending November 8, 2014. The overpayment occurred as a result of the claimant being held disqualified from receiving benefits for voluntarily quitting his employment. The claimant contacted the Appeals Bureau after the scheduled hearing time but in time to participate at the December 18, 2014 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has not been overpaid any benefits for the week ending November 8, 2014..

ISSUE:

Has the claimant been overpaid benefits for the week ending November 8, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 2 because he attended a mandatory training the union requires apprentices to take. The Department records indicate a gross benefit payment of \$448 was deposited in the claimant's bank account for the week ending November 8.

The claimant appealed a representative's November 26, 2014 determination that disqualified him from receiving benefits as of November 2, 2014. This determination has been modified in the claimant's favor. See decision for Appeal No. 14A-UI-12374-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 No. 14A-UI-12374-DWT, the claimant is legally entitled to receive benefits for the week ending November 8, 2014. He has not been overpaid any benefits for this week.

The claimant asserted during the hearing that he had not received any benefits. If the claimant has not already contacted the Benefits Bureau to determine what bank account the money for the week ending November 8 was deposited, he needs to do so immediately if he still has not received benefits.

DECISION:

The representative's December 2, 2014 (reference 03) determination is reversed. The claimant is legally entitled to receive benefits for the week ending November 8, 2014. He has not been overpaid \$448 in benefits he is entitled to receive for the week ending November 8, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can