

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES MILNE
Claimant

APPEAL NO. 09A-UI-15427-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WOKRFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 03/22/09
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 6, 2009 decision (reference 02) that concluded he had been overpaid \$1,219.00 in benefits he received for the weeks ending March 28 through April 11, 2009. The overpayment occurred as the result of a decision for reference 01 that concluded he was not eligible to receive benefits for these weeks because he received vacation pay that should be attributed to these weeks. A telephone hearing was held on November 16, 2009. 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 \$1,219.00 in benefits he received for the weeks ending March 28 through April 11, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 22, 2009. He filed claims for the weeks ending March 28 through April 11, 2009. He received \$366.00 in benefits for the week ending March 28 and \$389.00 in benefits for the weeks ending April 4 and 11, 2009. He also received an additional \$25.00 each week from the government's economic stimulus program.

The claimant appealed the decision for reference 01. This decision has been reversed. See decision for appeal 09A-UI-15426-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 09A-UI-15426-DWT, the claimant is legally entitled to receive benefits for the weeks ending March 28 through April 11, 2009. Therefore, he has not been overpaid \$1,219.00 in benefits he received for these weeks.

DECISION:

The representative's October 6, 2009 decision (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending March 28 through April 11, 2009. He has not been overpaid \$1,219.00 in benefits and he does not owe the Department any money for benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw