

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANE A ROUW**  
Claimant

**APPEAL NO: 13A-UI-12382-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/22/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's October 31, 2013 determination (reference 03) that held him overpaid \$273.00 in benefits he received for the week ending September 28, 2013. The claimant participated in the hearing with his witness, Marci Rouw. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid \$273.00 in benefits he received for the week ending September 28, 2013.

**ISSUE:**

Has the claimant been overpaid \$273.00 in benefits?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of September 22, 2013. He filed a weekly claim for the week ending September 28, 2013. The claimant did not realize his maximum weekly unemployment insurance benefits for this week (\$301.00) had been directly deposited into his bank account.

The claimant does not dispute that he received \$273.00 for a temporary total disability in workers' compensation benefits for this week. The claimant did not appeal a representative's October 18, 2013 determination that stated the claimant's workers' compensation benefits of \$273.00 had to be fully deducted from his maximum weekly unemployment insurance benefit amount.

**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 October 18, 2013 determination (reference 02) the claimant was overpaid \$273.00 in benefits for the week ending September 28, 2013. The claimant is not at fault in receiving the overpayment.

**DECISION:**

The representative's October 31, 2013 determination (reference 03) is affirmed. The claimant was overpaid \$273.00 in benefits for the week ending September 28, 2013. Even though the claimant is not at fault in receiving the overpayment, he is responsible for paying back this amount.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css