

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LUKE D CHAPMAN**  
Claimant

**APPEAL NO: 11A-UI-15437-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/14/10**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Recovery of Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 21, 2011 determination (reference 05) that held him overpaid \$675.00 in benefits he received for the weeks ending February 20 through March 13, 2010. The overpayment occurred as the result of a March 19, 2010 determination that disqualified the claimant from receiving benefits as of December 15, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Based on the administrative record, and the law, the administrative law judge finds the claimant has been overpaid \$675.00 in benefits.

**ISSUE:**

Has the claimant been overpaid benefits he received for the weeks ending February 20 through March 13, 2010?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of February 14, 2010. He filed claims for the weeks ending February 20 through March 13, 2010. He received a gross payment of \$675.00 in benefits for these weeks.

The claimant appealed a representative March 19, 2010 determination that disqualified him from receiving benefits as of December 15, 2009. This determination has been affirmed. See decision for appeal 11A-UI-15436-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 11A-UI-15436-DWT, the claimant is not legally entitled to receive benefits for the weeks ending February 20 through March 13, 2010. Even though he is not at fault in receiving these benefits, he has been overpaid \$675.00 in benefits he received for these four weeks. The claimant is responsible for paying back benefits he was not legally entitled to receive.

**DECISION:**

The representative's November 21, 2011 determination (reference 05) is affirmed. The claimant has been overpaid \$675.00 in benefits he received for the weeks ending February 20 through March 13, 2010. Even though the claimant is not at fault in receiving the overpayment, he is responsible for paying back \$675.00 in benefits he was not legally entitled to receive.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css