

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM F NATHLICH
Claimant

APPEAL NO: 10A-UI-15133-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/09/08
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 27, 2010 determination (reference 03) that held he had been overpaid \$57.93 in benefits he received for the week ending February 21, 2009. The representative stated the overpayment occurred as the result of an October 15, 2009 redetermination that reduced the claimant's maximum benefit amount. A telephone hearing was held and the claimant participated in the hearing. Based on the evidence, the arguments of the claimant and the law, the administrative law judge concludes the claimant has not been overpaid \$57.93 in benefits for the week ending February 21, 2009.

ISSUE:

Has the claimant been overpaid \$57.93 in benefits he received for the week ending February 21, 2009 after his maximum benefit amount was reduced?

FINDINGS OF FACT:

The claimant initially established a claim for benefits during the week of November 9, 2008. The Department issued several monetary determinations because wages the claimant had earned in Iowa were initially reported in South Dakota.

Even though on October 15, 2009, the Department issued a monetary determination that held the claimant was entitled to receive a maximum benefit amount of \$4,802.47, the records do not explain how the Department determined the claimant had been overpaid \$57.93.

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.

During the hearing, the claimant had no idea how the Department concluded he had been overpaid \$57.93. This administrative law judge has spent hours trying to decipher how a

representative concluded he had been overpaid this amount. There is no simple explanation in the record.

This claim has had problems because the claimant's wages were initially reported in South Dakota when they should have been reported in Iowa. Since there was confusion about which state wages to be reported, it is not good enough just to say the overpayment occurred because another monetary determination was issued that reduced the claimant maximum benefit amount. In this case there were several monetarily determinations issued.

Claimants have a right to understand how exactly an overpayment was determined. In this case the record does not clearly state how the Department came up with the overpayment. As a result, the evidence does not establish that the claimant has been overpaid \$57.83.

DECISION:

The representative's October 27, 2010 determination (reference 03) is reversed. The representative did not clearly indicate why the claimant was overpaid for the week ending February 21, 2009, and not another week. The administrative record is confusing and does not clearly indicate why the overpayment was issued. Neither the evidence nor the administrative record established that the claimant has been overpaid \$57.93 for the week ending February 21, 2009. Therefore, the claimant has not been overpaid this amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs