

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRY D KIRKPATRICK**  
Claimant

**APPEAL NO. 07A-UI-04982-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/25/05 R: 04**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Terry D. Kirkpatrick (claimant) appealed a representative's May 9, 2007 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Peterson Contractors, Inc. (employer) would not be charged because the claimant voluntarily quit his employment on June 2, 2006, for reasons that do not qualify him to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 31, 2007. The claimant did not respond to the hearing notice. Based on the administrative record 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 any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits during the week of December 25, 2005. He reopened this claim the week of October 8, 2006. He filed claims for the weeks ending October 14 through November 25, 2006. The claimant received \$2,191.93 in benefits during these weeks.

The claimant appealed a representative's January 22, 2007 decision that held the claimant was not qualified to receive benefits as of June 2, 2006. This decision as has been affirmed. See decision for appeal 07A-UI-04981-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 07A-UI-04981-DWT, the claimant is not legally entitled to receive benefits for the weeks ending October 14 through

November 25, 2006. The claimant has been overpaid \$2,191.93 in benefits he received for these weeks.

**DECISION:**

The representative's May 9, 2007 decision (reference 03) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending October 14 through November 25, 2006. The claimant has been overpaid and must repay a total of \$2,191.93 in benefits he received for these weeks.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css