

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MILES T VITALE
Claimant

APPEAL NO. 11A-UI-14382-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/29/09
Claimant: Appellant (2)**

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 24, 2011, reference 07, that concluded he was overpaid \$2,879.00 in benefits. A telephone hearing was held on November 30, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of November 29, 2009. The claimant filed for and received a total of \$2,879.00 in unemployment insurance benefits for the weeks between November 29, 2009, and January 16, 2010.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 11A-UI-14381-SWT.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$2,879.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 24, 2011, reference 07, is reversed. The claimant was not overpaid \$2,879.00 in unemployment insurance benefits.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw