

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERI L BAILEY
Claimant

APPEAL NO. 11A-UI-12569-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/09
Claimant: Appellant (1)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 20, 2011 determination (referenced 03) that held she had been overpaid \$1302 in benefits she received for the weeks ending November 7, 2009, through February 13, 2010. The overpayment occurred because her monetary determination was corrected on February 23, 2010, which resulted in a lower weekly benefit amount. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant has been overpaid benefits for these weeks.

ISSUE:

Has the claimant been overpaid \$1302 in benefits she received for the weeks ending November 7, 2009, through February 13, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 1, 2009. She filed claims for the weeks ending November 7, 2009, through February 13, 2010. She received \$311 in benefits each week. The \$311 was based on a monetary determination that was issued in early November. This monetary determination incorrectly indicated the claimant had worked and earned wages for Downtown Lounge, Inc.

After the claimant received her initial monetary determination, she reported that she had not worked for Downtown Lounge, Inc. The Department did not issue a corrected monetary determination until February 23, 2010. The corrected monetary determination deleted the wages that had initially been reported from Downtown Lounge, Inc. and held the claimant monetarily eligible to receive \$217 in weekly benefits. The claimant agreed with the corrected February 23, 2010 monetary determination and did not appeal it.

The Department has already offset \$108 of the overpayment.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she 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 February 23, 2010 corrected monetary determination, the claimant has been overpaid a total of \$1302 in benefits she received for the weeks ending November 7, 2009 through February 13, 2010. Even though the claimant is NOT at fault in receiving the overpayment, she is still responsible for paying this amount back to the Department.

DECISION:

A representative's September 20, 2011 determination (reference 03) is affirmed. The claimant has been overpaid \$1302 in benefits she received for the weeks ending November 7, 2009, through February 13, 2010. The claimant is NOT at fault in receiving the overpayment, but is still responsible for paying back this amount back to the Department.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw