

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIAM C SMITH Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 07A-UI-07839-DWT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 07/01/07 R: 04 Claimant: Appellant (2)</div>
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Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

William C. Smith (claimant) appealed a representative's August 7, 2007 decision (reference 02) that concluded he had been overpaid \$1,212.00 in benefits he received for the weeks ending July 7 through 28, 2007. The overpayment occurred as the result of an August 6 decision that disqualified the claimant from receiving benefits as of July 1, 2007. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 29, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, 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 \$1,212.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 1, 2007. The claimant filed claims for the weeks ending July 7 through 28, 2007. The claimant received \$1,212.00 in benefits for these weeks.

The claimant appealed a representative's August 6, 2007 decision that disqualified him from receiving benefits as of July 1, 2007. This decision has been reversed. See decision for appeal 07A-UI-07838-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 section 96.3-7. Based on the decision for appeal 07A-UI-07838-DWT, the claimant is legally entitled to receive benefits for the weeks ending July 7 through 28, 2007. The claimant has not been overpaid \$1,212.00 in benefits he received for these weeks.

DECISION:

The representative's August 7, 2007 decision (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending July 7 through 28, 2007. The claimant has not been overpaid \$1,212.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs