

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH E KENTON
Claimant

APPEAL NO: 09A-UI-15742-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/14/09
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 6, 2009 decision (reference 02) that held she had been overpaid \$1,373.00 in benefits she received for the weeks ending June 20 through July 25, 2009. The overpayment was based on a representative's July 29, 2009 decision that held her ineligible to receive benefits as of June 14, 2009. A telephone hearing was held on November 23, 2009. The claimant did not respond to the hearing notice or participate in the hearing. 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 \$1,373.00 in benefits she received for the weeks ending June 20 through July 25, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 14, 2009. She filed claims for the weeks ending June 20 through July 25, 2009. She received her maximum weekly benefits of \$255.00 for the weeks ending June 27, July 4, 18 and 25. She received partial benefits of \$228.00 for the week ending June 20. She received an additional \$25.00 each of these weeks from the government's economic stimulus program.

The claimant appealed a representative's July 29, 2009 decision that held her ineligible to receive benefits as of June 14, 2009. This decision has been affirmed. See decision for appeal 09A-UI-15741-DWT.

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 decision for appeal 09A-UI-15741-DWT, the claimant is not legally entitled to receive benefits for the weeks ending June 20 through July 25,

2009. Therefore, the claimant had been overpaid a total of \$1,373.00 in benefits she received for these weeks.

DECISION:

The representative's October 6, 2009 decision (reference 02) is affirmed. The claimant was not legally entitled to receive benefits for the weeks ending June 20 through July 25, 2009. The claimant has been overpaid and must repay a total of \$1,373.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css