

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JERRY L FUSSELMAN  
17 CENTRAL LN  
BETTENDORF IA 52722**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-12213-DWT  
OC: 10/16/05 R: 04  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Jerry L. Fusselman (claimant) appealed a representative's November 23, 2005 decision (reference 02) that concluded he had been overpaid \$166.00 in benefits he received for the week ending October 29, 2005. The overpayment occurred as the result of a representative's November 21, 2005 decision that held the claimant ineligible to receive benefits as of October 16, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 19, 2005. 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 any benefits during the week ending October 29, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of October 16, 2005. The claimant filed a claim for the week ending October 29, 2005. He received \$116.00 in benefits for this week.

The claimant appealed the representative's November 21, 2005 decision that held him ineligible to receive benefits as of October 16, 2005. This decision has been reversed. See decision for appeal 05A-UI-12212-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 05A-UI-12212-DWT, the claimant is legally entitled to receive benefits for the week ending October 29, 2005. The claimant has not been overpaid \$116.00 in benefits he received for this week.

DECISION:

The representative's November 23, 2005 decision (reference 02) is reversed. The claimant is legally entitled to receive benefits for the week ending October 29, 2005. The claimant has not been overpaid \$116.00 in benefits he received for this week.

dlw/kjf