

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGO G MCGEE
Claimant

APPEAL NO. 09A-UI-02569-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/02/08 R: 01
Claimant: Appellant (4)**

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 11, 2009, reference 04, that concluded she was overpaid \$3,646.00 in benefits from November 23, 2008, to January 31, 2009. A telephone hearing was held on February 25, 2009. The claimant participated in the hearing with a witness, Isaiah McGee.

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 2, 2008. The claimant filed for and received a total of \$2,208.00 in unemployment insurance benefits for the weeks between December 21, 2008, and January 31, 2009.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits effective November 23, 2008, has been modified in a decision of the administrative law judge in appeal 09A-UI-01779-SWT. The correct effective date of the disqualification is December 21, 2008.

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 section 96.3-7.

The claimant was overpaid \$2,208.00 in unemployment insurance benefits from December 21, 2008, to January 31, 2009.

DECISION:

The unemployment insurance decision dated February 11, 2009, reference 04, is modified. The claimant was overpaid \$2,208.00 in unemployment insurance benefits, which must be repaid.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css