

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN E STRICKLER
Claimant

APPEAL NO: 11A-UI-14305-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/05/10
Claimant: Appellant (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 21, 2011 determination (reference 06) that held him overpaid \$2,131.00 in benefits he received from February 20 through June 4, 2011. The overpayment occurred as the result of a representative's June 8, 2011 determination. The claimant responded to the hearing notice, but was not available for the hearing. A message was left for him to call the Appeals Section immediately, but he did not. Based on the administrative record and the law, the administrative law judge finds the claimant overpaid \$2,131.00 in benefits he received from February 20 through June 4, 2011.

ISSUE:

Is the claimant overpaid \$2,131.00 in benefits he received February 20 through June 4, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 5, 2010. He filed claims from February 20 through June 4, 2011. He received a total of \$2,131.00 in benefits during these weeks.

The claimant appealed a representative's June 8, 2011 determination. This determination has been affirmed. See decision for appeal 11A-UI-14304-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 11A-UI-14304-DWT, the claimant is not legally entitled to receive benefits from February 20 through June 4, 2011. The claimant has been overpaid \$2,131.00 in benefits for these weeks.

Even if the claimant is not at fault in receiving the overpayment, he is required to pay back the Department for benefits he was not legally entitled to receive.

DECISION:

The representative's October 21, 2011 determination (reference 06) is affirmed. The claimant has been overpaid \$2,131.00 in benefits he received from February 20 through June 4, 2011. He is required to pay the Department back the overpayment.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css