

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRAIG D MOSER**  
Claimant

**APPEAL NO: 14A-UI-13191-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/16/14  
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 19, 2014 determination (reference 02) that held him overpaid \$1413 in benefits he received for the weeks ending November 22 through December 6, 2014. The overpayment occurred as the result of a December 17 determination that disqualified him from receiving benefits as of November 16, 2014. The claimant participated at the January 20 hearing with his attorney, Jeremiah White. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has not been overpaid benefits for these weeks.

**ISSUE:**

Has the claimant been overpaid \$1413 in benefits?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of November 16, 2014. He filed claims for the weeks ending November 22 through December 6, 2014. He received his maximum weekly benefit amount of \$471 for each of these weeks.

The claimant appealed the December 17 determination that disqualified him from receiving benefits. This determination has been reversed. See decision for appeal 14A-UI-13190.

**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 14A-UI-13190, the claimant is legally entitled to receive benefits as of November 16, 2014. He has not been overpaid \$1413 in benefits he received for the weeks ending November 22 through December 6, 2014.

**DECISION:**

The representative's December 19, 2014 determination (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending November 22 through December 6, 2014. He has not been overpaid \$1413 in benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs