

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEANNE R WALLINGFORD
Claimant

APPEAL NO: 13A-UI-05604-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/20/12
Claimant: Appellant (2)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 7, 2013 determination (reference 05) that held her overpaid \$1,323.00 in benefits she received between December 16, 2012, and February 2, 2013. The overpayment occurred as the result of a February 26, 2013 determination that held the claimant ineligible to receive benefits as of December 16, 2012. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has not been overpaid any benefits she received for these weeks.

ISSUE:

Has the claimant been overpaid any benefits she received between December 16, 2012, and February 2, 2013?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 20, 2012. She filed claims for the following weeks and received the following benefits.

Weekending	Gross Wages	Benefits Received
12/22/12	\$ 26	\$276
12/29/12	11	\$276
01/05/13	57	\$276
01/12/13	120	\$225
01/19/13	140	\$205
01/26/13	320	0
02/02/13	280	\$ 65

The claimant appealed a representative's February 26, 2013 determination that held her ineligible to receive benefits as of December 16, 2012. This determination has been reversed. See decision for appeal 13A-UI-05603-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 13A-UI-05603-DWT, the claimant is eligible to receive benefits as of December 16, 2012. As a result of being eligible for benefits, she has not been overpaid \$1,323.00 in benefits.

DECISION:

The representative's May 7, 2013 determination (reference 05) is reversed. The claimant is legally entitled to receive benefits as of December 16, 2012. Therefore, she has **NOT** been overpaid \$1,323.00 in benefits that she received between December 16, 2012, and February 2, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs