

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESUS J PEREZ
Claimant

APPEAL NO. 09A-UI-17023-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/01/09
Claimant: Appellant (1)

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 3, 2009, reference 03, that concluded he was overpaid unemployment insurance benefits. A telephone hearing was held on December 16, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with his representative, Dennis Emanuel, and a witness, Marlen Perez. Ike Rocha was the interpreter for the hearing.

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 February 1, 2009. The claimant filed for and received a total of \$3,299.10 in unemployment insurance benefits for the weeks between February 1 and April 25, 2009.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 09A-UI-17022-SWT.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$3,299.10 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated November 3, 2009, reference 03, is affirmed. The claimant was overpaid \$3,299.10 in unemployment insurance benefits, which must be repaid.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs