

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BETH A QUARIO
Claimant

APPEAL NO. 07A-UI-00179-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/19/06 R: 01
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Beth A. Quario (claimant) appealed a representative's December 26, 2006 decision (reference 03) that concluded she had been overpaid \$562.00 in benefits she received for the weeks ending November 25 through December 16, 2006. The overpayment occurred as the result of a representative's December 22, 2006 decision that disqualified the claimant from receiving benefits as of November 19, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 24, 2007. The claimant responded to the hearing notice but was not available for the hearing. A message was left for the claimant to contact the Appeals Section immediately if she wanted to participate in the hearing. The claimant did not contact the Appeals Section again. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 19, 2006. The claimant filed claims for the weeks ending November 25 through December 16, 2006. The claimant received \$562.00 in benefits for these weeks.

The claimant appealed the December 22, 2006 decision and a January 17, 2007 decision that disqualified her from receiving benefits as of November 19, 2006. The disqualification decision has been affirmed. See decision for appeal 07A-UI-00178-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. The claimant is not legally entitled to receive benefits for

the weeks ending November 25 through December 16, 2006. The claimant has been overpaid \$562.00 in benefits she received for these weeks.

DECISION:

The representative's December 26, 2006 decision (reference 03) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending November 25 though December 16, 2006. The claimant has been overpaid and must repay at total of \$562.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw