

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIM M BERWANGER
Claimant

APPEAL NO: 14A-UI-11236-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/29/14
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 27, 2014 determination (reference 02) that held her overpaid \$3443 in benefits she received for weeks between June 29 and October 18, 2014. The overpayment occurred as a result of an Employment Appeal Board's decision that disqualified her from receiving benefits as of June 29, 2014. The claimant participated at the November 18 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid \$3443 in benefits.

ISSUE:

Has the claimant been overpaid benefits she received between June 29 and October 18, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 29, 2014. She filed claims for the weeks ending July 5 through October 18, 2014. She received a total of \$3443 in benefits for these weeks.

After the claimant established a claim for benefits, a July 16, 2014 determination (reference 01) initially held her disqualified from receiving benefits. She appealed this determination. Based on a hearing held on September 4, an administrative law judge concluded she was qualified to receive benefits as of June 29, 2014. See decision for appeal 14A-UI-07513.

The employer, Casey's Marketing Company, appealed this decision to the Employment Appeal Board. On October 14, 2014, the Employment Appeal Board issued a decision that reversed the administrative law judge's decision and held the claimant was not qualified to receive benefits. See decision for appeal 14B-UI-07513. As of the date of the hearing, the claimant had not appealed the Employment Appeal Board's decision.

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 Employment Appeal Board's decision for appeal 14B-UI-07513, the claimant is not legally entitled to receive benefits for the weeks ending July 5 through October 18, 2014. She has been overpaid \$3443 in benefits she received for these weeks.

At the hearing, the claimant incorrectly assumed she could again present information about the reasons for her employment separation. The claimant learned that if she disagreed with the Employment Appeal Board's decision she had to appeal that decision to District Court.

DECISION:

The representative's October 27, 2014 determination (reference 02) is affirmed. Based on the Employment Appeal Board's decision, 14B-UI-07513, the claimant has been overpaid \$3443 in benefits she received for the weeks ending July 5 through October 18, 2014. The claimant is legally responsible for paying back this amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs