

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIANNE N BUFORD**  
Claimant

**APPEAL NO: 13A-UI-05716-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

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

**PROCEUDRAL STATEMENT OF THE CASE:**

The claimant appealed a representative's May 2, 2013 overpayment determination (reference 02) that held her overpaid \$528.00 in benefits she received for the weeks ending July 9 and 16, 2011. The overpayment occurred after a July 25, 2011 determination (reference 01) disqualified the claimant from receiving benefits because she had been discharged for disqualifying reasons. 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 been overpaid \$528.00 in benefits.

**ISSUE:**

Has the claimant been overpaid benefits she received for the weeks ending July 9 and 16, 2011?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of June 19, 2011. She filed weekly claims for the weeks ending July 9 and 16, 2011. She received her maximum weekly benefit amount of \$264.00 for each of these weeks.

The claimant appealed or the Appeals Section set up an appeal from a July 25, 2011, determination that disqualified the claimant from receiving benefits as of June 28, 2011. This determination has been affirmed. See decision for appeal 13A-UI-05715-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-05715-DWT, the claimant is not legally entitled to receive benefits for the weeks ending July 9 and 16, 2011.

Even though she is not at fault in receiving the overpayment and the Department did not issue an overpayment determination for almost two years, the claimant is still legally responsible for paying back benefits she was not entitled to receive.

**DECISION:**

The representative's May 2, 2013 determination (reference 02) is affirmed. The claimant has been overpaid \$528.00 in benefits she received for the weeks ending July 9 and 16, 2011. The claimant is NOT at fault in receiving the overpayment, but is still legally responsible for paying back benefits she was not entitled to receive.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs