

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DESIREE D CHENEY
Claimant

APPEAL NO. 11A-EUCU-00898-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/02/10
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Desiree D. Cheney filed a timely appeal from a fact-finding decision dated December 20, 2011, reference 02, that ruled she had been overpaid benefits in the amount of \$2,365.00 for the 11 weeks ending February 12, 2011. Due notice was issued for a telephone hearing to be held January 26, 2012. Ms. Cheney did not provide a telephone number at which she could be contacted. The administrative law judge takes official notice of Agency benefit payment records and decision records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Desiree D. Cheney received unemployment insurance benefits totaling \$2,365.00 for the 11 weeks between November 28, 2010, and February 12, 2011. The fact-finding decision disqualifying her for benefits has been affirmed by administrative law judge decision 11A-EUCU-00897-AT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who has received the benefits is not at fault for the overpayment. The evidence in this record establishes both that the claimant received the benefits in question and that the fact-finding decision disqualifying her for benefits has been affirmed. Therefore, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated December 20, 2011, reference 02, is affirmed. The claimant has been overpaid \$2,365.00 for the 11 weeks ending February 12, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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