

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANNON GAHERTY
Claimant

APPEAL NO: 14A-UI-10736-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/31/14
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 6, 2014 determination (reference 04) that held her overpaid \$896 in benefits she received for the weeks ending September 6 and 13, 2014. The overpayment occurred as the result of reference 03 that held her ineligible to receive benefits for these weeks. The claimant participated at the November 4 hearing. Julie MacTaggart, the human resource director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant has not been overpaid \$896 in benefits.

ISSUE:

Has the claimant been overpaid for benefits she received for the weeks ending September 6 and 13, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of August 31, 2014. She filed claims for the weeks ending September 6 and 13, 2014. She received her maximum weekly benefit amount of \$448 for each of these weeks.

The claimant appealed a representative's determination (reference 03) that held her ineligible to receive benefits for these weeks. This determination has been reversed. See decision for appeal 14A-UI-10735.

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 14A-UI-10735, the claimant is eligible to receive benefits for the weeks ending September 6 and 13, 2014. She has not been overpaid benefits she received for these weeks.

If the Department used subsequent benefits to offset the overpayment from reference 04, the Department is directed to pay the claimant any benefits that were previously used to offset this overpayment.

DECISION:

The representative's October 6, 2014 determination (reference 04) is reversed. The claimant is legally entitled to receive benefits for the weeks ending September 6 and 13. She was not overpaid \$896 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css