

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) – 3091078 - EI

EVELYN BEH
Claimant

APPEAL NO: 08A-UI-09201-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/27/08 R: 02
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Evelyn Beh (claimant) appealed a representative's October 1, 2008 decision (reference 03) that concluded she had been overpaid \$2,824.00 in benefits she received for the weeks ending August 2 through September 20, 2008. The overpayment occurred as the result of a September 29 representative's decision that disqualified her from receiving benefits as of July 27, 2008. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 27, 2008. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, 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 \$2,824.00 in benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 27, 2008. She filed claims for the weeks ending August 2 through September 20, 2008. She received a gross benefit payment of \$2,824.00 in benefits for these weeks.

The claimant appealed a representative's September 29, 2008 decision that disqualified her from receiving benefits as of July 27, 2008. This decision has been affirmed. See decision for appeal 08A-UI-09200-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 section 96.3-7. Based on the decision for appeal 08A-UI-09200-DWT, the claimant is not legally entitled to receive benefits for the weeks ending August 2 through September 20, 2008. As a result, she has been overpaid \$2,824.00 in benefits she received for these weeks.

DECISION:

The representative's October 1, 2008 decision (reference 03) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending August 2 through September 20, 2008. Therefore, she has been overpaid and must repay a total of \$2,824.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs