

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS J WIERSMA
Claimant

APPEAL NO: 11A-UI-14730-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/10/10
Claimant: Appellant (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 3, 2011 determination (reference 04) that held he had been overpaid \$336 in benefits he received between January 1 and March 6, 2010. The overpayment occurred as the result of a March 15, 2010 corrected monetary determination. Mary Wiersma, the claimant's mother, appeared on the claimant's behalf at the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant has been overpaid \$336 in benefits.

ISSUE:

Has the claimant been overpaid \$336 in benefits between January 10 and March 6, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 10, 2010. He filed claims for the weeks ending January 16 through March 6, 2010. He received \$258 in benefits for these weeks.

The claimant appealed a March 15, 2010 corrected monetary determination that reduced his maximum weekly benefits from \$258 to \$216 as of January 10, 2010. This determination has been affirmed. See decision for appeal 11A-UI-14729-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits he 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 11A-UI-14729-DWT, the claimant was entitled to \$216 instead of \$258 each week. This means he was overpaid \$336 in benefits he received for the weeks ending January 16 through March 6, 2010.

The claimant was not at fault in receiving the overpayment. He did nothing wrong. Even though he is not at fault for the overpayment, he is still legally responsible for paying back benefits he was not legally entitled to receive.

DECISION:

The November 3, 2011 determination (reference 04) is affirmed. The claimant was overpaid \$336 in benefits he received for the weeks ending January 16 through March 6, 2011. The claimant is not at fault in receiving the overpayment. Even though he is not at fault, he is still legally responsible for paying back benefits he was not entitled to receive.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs