

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANNY R PROTSMAN
Claimant

APPEAL NO: 13A-UI-11903-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/16/11
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 21, 2013 determination (reference 02) that held him overpaid \$2,408.00 in benefits he received for the weeks ending August 24 through October 5, 2013. The overpayment occurred because of an October 15, 2013 determination that disqualified him from receiving benefits for voluntarily quitting his employment for reasons that did not qualify him to receive benefits. The claimant participated at the hearing. He was represented by his attorney, George Davison, Jr. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not overpaid benefits he received for the above weeks.

ISSUE:

Has the claimant been overpaid any benefits?

FINDINGS OF FACT:

The claimant reopened his 2011 claim during the week of August 18, 2013. He filed claims for the weeks ending August 24 through October 15, 2013. He received \$344.00 in Emergency Unemployment Compensation benefits for each of these weeks.

The claimant appealed a representative's October 15 determination that disqualified the claimant from receiving benefits. This determination has been reversed. See decision for appeal 13A-UI-11902-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 13A-UI-11902-DWT, the claimant is legally entitled to receive benefits for the weeks ending August 24 through October 5, 2013. The claimant has not been overpaid \$2,408.00 in benefits.

DECISION:

The representative's October 21, 2013 determination (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending August 24 through October 5, 2013. He has not been overpaid \$2,408.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs