

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

KATHLEEN M KLOCKE  
6945 HURSTVILLE RD  
MAQUOKETA IA 52060

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-08298-DWT  
OC: 05/23/04 R: 04  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Kathleen M. Klocke (claimant) appealed a representative's July 24, 2004 decision (reference 03) that concluded she had been overpaid \$2,051.00 in benefits she received for the weeks ending June 5 through July 17, 2004. The overpayment occurred as the result of a representative's July 23, 2004 decision that disqualified the claimant from receiving benefits as of May 30, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 24, 2004. 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:

Does the claimant have reasonable assurance of returning to work for an educational institution during the 2004/2005 school year?

FINDINGS OF FACT:

The claimant established her claim for unemployment insurance benefits during the week of May 23, 2004. She filed claims for the weeks ending June 5 through July 17, 2004. She received her maximum weekly benefit amount of \$293.00 for each of these weeks.

The claimant appealed a representative's July 23, 2004 decision that held her ineligible to receive benefits as of May 30, 2004. This decision has been modified to the extent that the claimant is ineligible to receive benefits as of June 13 instead of May 30, 2004. See decision for appeal 04A-UI-08297-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 §96.3-7. Based on the decision for appeal 04A-UI-08297-DWT, the claimant is not eligible to receive benefits for the weeks ending June 19 through July 17, 2004. Therefore, she has been overpaid a total of \$1,465.00 in benefits instead of \$2,051.00 in benefits.

DECISION:

The representative's July 24, 2004 decision (reference 03) is modified in the claimant's favor. The claimant is denied benefits as of June 13, 2004, not May 30, 2004. The claimant is not eligible to receive benefits for the weeks ending June 19 through July 17, 2004. Instead of being overpaid \$2,051.00, the claimant has been overpaid \$1,465.00 in benefits she received for these weeks.

dlw/pjs