

**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**

**PAULETTE R GLENN
403 W STATE ST APT 1
MARSHALLTOWN IA 50158**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-07959-DWT
OC: 06/27/04 R: 02
Claimant: Appellant (1)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Paulette R. Glenn (claimant) appealed a representative's July 21, 2004 decision (reference 02) that concluded she had been overpaid \$243.00 in benefits she received for the week ending July 10, 2004. The overpayment occurred as the result of a representative's July 20 decision that concluded the claimant was not eligible to benefits until July 17, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 13, 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:

Has the claimant been overpaid any benefits for the week ending July 10, 2004?

FINDINGS OF FACT:

The claimant's established a claim for unemployment insurance benefits during the week of June 27, 2004. She filed a claim for benefits for the week ending July 10, 2004. She received \$243.00 in benefits for this week.

The claimant appealed the representative's July 20, 2004 decision that held her ineligible to receive benefits until July 17, 2004 because of the vacation pay she received. This decision has been affirmed. See decision for appeal 04A-UI-07957-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-07957-DWT, the claimant is not legally entitled to receive benefits for the week ending July 10, 2004. She has been overpaid \$243.00 in benefits she received for this week.

DECISION:

The representative's July 21, 2004 decision (reference 02) is affirmed. The claimant is not legally entitled to receive unemployment insurance benefits for the week ending July 10, 2004. She has been overpaid \$243.00 in benefits she received for this week.

dlw/b