

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS A BREESE
Claimant

APPEAL NO: 09A-UI-14714-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/08/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Thomas A Breese (claimant) appealed a representative's September 22, 2009 decision (reference 03) that concluded he had been overpaid \$1,930.00 in benefits he received for the weeks ending March 14 through April 11, 2009. The overpayment occurred as the result of an April 15, 2009 decision that held the claimant was disqualified from receiving benefits as of March 8, 2009. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 29, 2009. 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 \$1,930.00 in benefits he received for the weeks ending March 14 through April 11, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 8, 2009. He filed claims of the weeks ending March 14 through April 11, 2009. He received his maximum weekly benefit amount of \$361.00 for each of these weeks. He also received an additional \$25.00 in benefits from the government's economic stimulus program. (The amounts reflected in this decision are gross benefits, not net benefits that were actually deposited in the claimant's bank. Taxes were deducted and then sent to the appropriate entity on the claimant's behalf.) The claimant had no intention of appealing the April 15 decision that held him disqualified from receiving benefits as of March 8, 2009.

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 section 96.3-7. Based on the April 15, 2009 representative's decision, the claimant is not legally entitled to receive benefits for the weeks ending March 14

through April 11, 2009. This means he has been overpaid a total of \$1,930.00 in benefits he received for these weeks.

The claimant wanted a copy of amount of benefits paid to him during the above weeks so he knows the amount of taxes withheld from these benefits. If the claimant still wants a copy of this information, he should contact his local Workforce and request this information if he has not already done this.

DECISION:

The representative's September 22, 2009 decision (reference 03) is affirmed. The claimant has been overpaid and must repay a total of \$1,930.00 in benefits (gross) for the weeks ending March 14 through April 11, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs