

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAWNA M BAULDRY**  
Claimant

**APPEAL NO. 11A-UI-10703-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/15/09**  
**Claimant: Appellant (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 3, 2011 determination (reference 07) that held she had been overpaid \$1276 in benefits she received for the weeks ending December 19, 2009, through January 9, 2010. The overpayment occurred as the result of an administrative law judge's decision, 10A-UI-01498-JTT, that affirmed she had refused an offer of suitable work without good cause. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant has been overpaid for the benefits she received for the weeks ending December 19, 2009, through January 9, 2010.

**ISSUE:**

Has the claimant been overpaid \$1276 in unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of November 15, 2009. She filed claims for the weeks ending December 19, 2009, through January 19, 2010. She received her maximum weekly benefit amount of \$294 for each of these four weeks. Each week, she also received an additional \$25 from the government's economic stimulus program.

The claimant appealed a representative's decision that disqualified her from receiving benefits because she refused an offer of suitable work on December 14, 2009. An administrative law judge affirmed this determination on May 15, 2010. See decision for appeal 10A-UI-01498-JTT. The claimant did not appeal the administrative law judge's decision.

**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 10A-UI-01498-JTT, the claimant is not legally entitled to receive benefits for the weeks ending December 19, 2009,

through January 9, 2010. This means she has been overpaid \$1276 in benefits that she received for these weeks. The claimant is not at fault in receiving the overpayment.

**DECISION:**

The representative's August 3, 2011 determination (reference 07) is affirmed. Even though the claimant is not at fault in receiving the \$1276 overpayment, she is still required to pay this amount back to the Department.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw