

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHAD A JOHNSON**  
Claimant

**APPEAL NO. 09A-UI-17518-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/04/09  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant appealed a representative's November 13, 2009 decision (reference 04) that held him overpaid \$5,796.00 in benefits he received for the weeks ending August 8 through November 7, 2009. The overpayment occurred as the result of a July 6, 2009 decision that disqualified the claimant from receiving benefits as of May 25, 2009. A telephone hearing was held on December 31, 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 \$5,796.00 in benefits he received for the weeks ending August 8 through November 7, 2009?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of January 4, 2009. He reopened his claim the week of June 7 and August 2, 2009. He filed for and received his maximum weekly benefit amount of \$389.00 for the weeks ending August 8 through November 7, 2009. He received an additional \$25.00 each of these weeks from the government's economic stimulus program.

The claimant appealed a July 6, 2009 decision that held him disqualified from receiving benefits as of May 25, 2009. This decision has been affirmed. See decision for appeal 09A-UI-17517-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 09A-UI-17517-DWT, the claimant is not legally entitled to receive benefits for the weeks ending August 8 through

November 7, 2009. Although the claimant was not at fault in receiving these benefits, he has been overpaid \$5,796.00 and must repay this amount to the Department.

**DECISION:**

The representative's November 13, 2009 decision (reference 04) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending August 8 through November 7, 2009. Even though he was not at fault in receiving the overpayment, he must repay a total of \$5,796.00 in benefits he received for these weeks.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw