

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE D BRITTAIN
Claimant

APPEAL NO. 08A-UI-08266-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/03/08 R: 03
Claimant: Appellant (2)**

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 15, 2008, reference 03, that concluded she was ineligible for benefits due to the receipt of severance pay. A telephone hearing was held on September 29, 2008. The claimant participated in the hearing.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of August 3, 2008. The claimant filed for and received a total of \$1,765.00 in unemployment insurance benefits for the weeks between August 3 and September 9, 2008.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeals 08A-UI-08264-SWT and 08A-UI-08265-SWT.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code section 96.3-7.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$1,765.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated September 15, 2008, reference 03, is reversed. The claimant was not overpaid \$1,765.00 in unemployment insurance benefits.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw