

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLARENCE HOBBS

Claimant

APPEAL NO. 09A-UI-06699-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

Original Claim: 01/25/09

Claimant: Appellant (1)

Section 96 .3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Clarence Hobbs (claimant) appealed a representative's April 21, 2009 decision (reference 03) that concluded he had been overpaid \$2,101.00 in benefits he received for the weeks ending January 31 through March 21, 2009. The overpayment occurred as the result of a decision issued by an administrative law judge on March 30, 2009, that held the claimant was not qualified to receive benefits as of January 25, 2009. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 27, 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 \$2,101.00 in benefits he received for the weeks ending January 31 through March 21, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 25, 2009. He filed claims for various weeks from January 31 through March 21, 2009. He received a total of \$2,101.00 in regular unemployment insurance benefits for these weeks. The claimant also received an additional \$25.00 in benefits for the weeks ending February 28 through March 21, 2009, as result of a Federal stimulus program.

A fact-finder determined the claimant was eligible to receive benefits as of January 25, 2009. When the employer appealed this decision, a hearing was held before an administrative law judge. On March 30, 2009, an administrative law judge decided the claimant had been discharged for disqualifying reasons and disqualified him from receiving benefits as of January 25, 2009. The claimant appealed the March 30, 2009 decision to the Employment Appeal Board. The Employment Appeal Board has affirmed the March 30, 2009, which means the claimant remains disqualified from receiving benefits as of January 25, 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 § 96.3-7. Even though the claimant was initially held eligible to receive benefits, an administrative law judge's March 30, 2009 decision disqualified him from receiving benefits. The March 30 decision has been affirmed by the Employment Board. Based on the Employment Appeal Board's affirmation of the March 30, 2009 decision, the claimant is not legally entitled to receive benefits as of January 25, 2009. Even though the claimant is not at fault in receiving benefits he was initially held entitled to receive, he has been overpaid a total of \$2,101.00 for benefits he received for the weeks ending January 31 through March 21, 2008.

DECISION:

The representative's April 21, 2009 decision (reference 03) is affirmed. Based on a March 30, 2009 administrative law judge's decision that has been affirmed by the Employment Appeal Board, the claimant is not legally entitled to receive benefits for the weeks ending January 31 through March 21, 2009. While the claimant is not at fault, he has been overpaid and must repay a total of \$2,101.00 in benefits he received for the weeks ending January 31 through March 21, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw