

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILLIP W TANNER
Claimant

APPEAL NO. 09A-UI-11784-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/01/09
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Phillip W. Tanner (claimant) appealed a representative's August 11, 2009 decision (reference 02) that held him overpaid \$2,087.26 in benefits he received between February 1 and July 11, 2009. The overpayment occurred as the result of a July 22, 2009 decision that denied the claimant's request to add wages he earned in Missouri from July 1 through September 30, 2008, to his Iowa claim. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 1, 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 \$2,087.26 in benefits he received from Iowa from February 1 through July 11, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits in Iowa during the week of February 1, 2009. The claimant filed claims for the weeks ending February 7 through July 11, 2009. With the exception of the weeks ending May 2 and July 11, Iowa paid the claimant his maximum weekly benefits of \$72.00 for each of these weeks. For the week ending May 2, the claimant received \$17.81 in benefits because he exhausted his regular unemployment insurance benefits from Iowa. For the week ending July 11, he received \$57.45 in benefits because he had exhausted or used all his Emergency Unemployment Compensation available funds. The claimant also received an additional \$25.00 a week in benefits from the government's economic stimulus program for the weeks ending February 28 through July 11, 2009.

The claimant appealed a representative's July 22, 2009 decision that held he was not eligible to receive benefits from the State of Iowa. Based on the decision for appeal 09A-UI-11783-DWT, the claimant is not legally entitled to receive benefits from Iowa as of February 1, 2009.

The claimant has subsequently filed a claim for unemployment from the state of Missouri. The claimant needs to make sure his Missouri claim has been backdated to the week of February 1, 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. Based on the decision for appeal 09A-UI-11783-DWT, the claimant is not legally entitled to receive unemployment benefits from the state of Iowa as of February 1, 2009. Even though he has been found eligible to receive benefits from Missouri, since Iowa paid him benefits he has been overpaid a total of \$2,087.26 in benefits he received from Iowa for the weeks ending February 7 through July 11, 2009. The claimant is NOT at fault in receiving the overpayment.

Since the claimant is eligible to receive benefits from Missouri, benefits he receives from Missouri for the weeks February 1 through July 11, 2009, should be used to offset or payback the benefits he received from Iowa for these same weeks. If the benefits the claimant receives from Missouri do not completely offset the benefits he received from Iowa, the claimant is responsible for paying back the balance to Iowa.

DECISION:

The representative's August 11, 2009 decision (reference 02) is affirmed. The claimant has been overpaid a total of \$2,087.26 in benefits he received from Iowa for the weeks ending February 7 through July 11, 2009. The claimant is NOT at fault in receiving the overpayment. Since the claimant is eligible to receive benefits from Missouri, the benefits the claimant receives from Missouri for these same weeks should be used to offset or reduce the overpayment established in Iowa.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw