

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB E DOWNS

Claimant

APPEAL NO: 12A-UI-06960-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/04/11

Claimant: Appellant (2)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 4, 2012 determination (reference 04) that held him overpaid \$4,361.00 in benefits he received between December 4, 2011 and February 25, 2012. A representative issued the overpayment determination based on a March 30, 2012 determination (reference 03). The claimant participated at a July 10 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant was not overpaid for benefits he received between December 4, 2011, and February 25, 2012.

ISSUE:

Has the claimant been disqualified and overpaid for benefits he received between December 4, 2011, and February 25, 2012?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 4, 2011. He filed claims for the weeks ending December 10, 2011, through February 25, 2012. He received a total of \$4,361.00 in benefits for these weeks.

The claimant appealed a March 30, 2012 determination (reference 03) that disqualified him for voluntary quitting his employment. The disqualification was effective as of February 28, 2012. This determination has been affirmed. See decision for appeal 12A-UI-06959-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 12A-UI-06959-DWT that affirmed a decision disqualifying the claimant from receiving benefits as of February 28, 2012, the claimant is eligible to receive benefits for the weeks ending December 10, 2011, through February 25, 2012. The claimant was eligible to receive benefits for these weeks. The claimant has not been overpaid any benefits for these weeks. The claimant did not file a claim for benefits after February 25, 2012.

DECISION:

The representative's June 4, 2012 determination (reference 04) is reversed. A March 30, 2012 determination that was affirmed by decision, 12A-UI-06959-DWT, disqualified the claimant from receiving benefits as of **February 28, 2012**. There is no determination that held the claimant ineligible to receive as of December 4, 2011. The claimant is legally entitled to receive benefits for the weeks ending December 10, 2011, through February 25, 2012. He has not been overpaid any benefits for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css