

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

REFUGIO BELTRAN  
601 MUSCATINE ST  
MUSCATINE IA 52761

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

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Appeal Number: 05A-UI-11166-DWT  
OC: 09/18/05 R: 04  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Refugio Beltran (claimant) appealed a representative's October 27, 2005 decision (reference 02) that concluded he had been overpaid \$1,344.00 in benefits he received for the weeks ending September 24 through October 15, 2005. The overpayment occurred as the result of a representative's October 26 decision that held the claimant ineligible to receive benefits as of September 18, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled on November 16, 2005. Prior to November 16, the Department issued an amended decision that resolved this issue. Based on the decision issued on November 4, 2005, (reference 04) and the decision for appeal 05A-UI-11165-DWT, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 18, 2005. The claimant filed claims for the weeks ending September 24 through October 15, 2005. The claimant received a total of \$1,344.00 in benefits for these weeks.

The claimant appealed a representative's October 26, 2005 decision that held him ineligible to receive benefits as of September 18, 2005. On November 4, 2005, another decision was issued. This decision concluded the claimant was eligible to receive benefits as of September 18, 2005. See also the decision for appeal 05A-UI-11165-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 a November 4, 2005 decision (reference 04) and the decision for appeal 05A-UI-11165-DWT, the claimant is legally entitled to receive benefits for the weeks ending September 24 through October 15, 2005. He has not been overpaid \$1,344.00 in benefits he received for these weeks.

DECISION:

The representative's October 27, 2005 decision (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending September 24 through October 15, 2005. The claimant has not been overpaid \$1,344.00 in benefits he received for these weeks.

dlw/tjc