

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK J BRENNAN
Claimant

APPEAL NO: 13A-UI-09614-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/24/11

Claimant: Appellant (4)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Patrick J. Brennan (claimant) appealed a representative's August 20, 2013 decision (reference 09) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 25, 2013. This appeal was consolidated for hearing with one related appeal, 13A-UI-09613-DT. 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 reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated August 19, 2013 (reference 08) that concluded the claimant was disqualified from receiving benefits as of December 9, 2012. The claimant timely appealed that decision and in the concurrently issued decision in appeal 13A-UI-09613-DT, that decision has been modified so that the disqualification does not go into effect until January 13, 2013.

The overpayment decision was issued in this case as a result of the August 19, 2013 (reference 08) disqualification decision. The claimant received EUC benefits after January 13, 2013 in the amount of \$129.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$730.00.

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 § 96.3-7. In this case, the

claimant received benefits for which he subsequently was deemed ineligible in the representative's decision issued on August 19, 2013. The disqualification from that decision has been modified in the concurrently issued decision in 13A-UI-09613-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits from December 9, 2012, but only from January 13, 2013, in the amount of \$129.00.

DECISION:

The representative's August 20, 2013 decision (reference 09) is modified in favor of the claimant. The claimant is overpaid benefits in the reduced amount of \$129.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css