

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of March 13, 2005. The claimant filed claims for the weeks ending September 3 through October 1, 2005. She received \$1,113.00 in benefits for these weeks.

The claimant appealed a representative's October 7, 2005 decision that concluded she was not qualified to receive unemployment insurance benefits as of August 28, 2005. This decision has been affirmed. See decision for appeal 05A-UI-10469-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she 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 05A-UI-10469-DWT, the claimant is not legally entitled to receive benefits for the weeks ending September 3 through October 1, 2005. The claimant has been overpaid \$1,113.00 in benefits she received for these weeks.

The administrative law judge has carefully reviewed evidence in the record and concludes that the unemployment insurance decision previously entered in this case is correct and should be affirmed.

Pursuant to the rule and Iowa Code § 17A.12-3, the claimant must make a written request to the administrative law judge that the hearing be reopened within 15 days after the mailing date of this decision. The written request should be mailed to the administrative law judge at the address listed at the beginning of this decision and must explain the emergency or other good cause that prevented the claimant from participating in the hearing at its scheduled time.

DECISION:

The representative's October 10, 2005 decision (reference 02) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending September 3 through October 1, 2005. The claimant has been overpaid and must repay \$1,113.00 in benefits she for these weeks.

dlw/kjw