

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L DONIELSON
Claimant

APPEAL NO: 08A-UI-04041-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/12/01 R: 02
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Jennifer L. Donielson (claimant) appealed a representative's September 26, 2001 decision (reference 02) that determined she had been overpaid \$1,216.00 in benefits she received between August 12 and September 8, 2001. The overpayment occurred as the result of a representative's September 19, 2001 decision that determined she was not qualified to receive unemployment insurance benefits as of August 12, 2001. After a hearing a notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 12, 2008. The claimant did not participate in the hearing. Based on the administrative file 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 \$1,216.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of August 12, 2001. She filed claims between August 12 and September 8, 2001. The claimant received \$1,216.00 in benefits for these weeks.

The decision for appeal 08A-UI-03481-DWT, held the claimant established a legal excuse for filing a late appeal. The decision for appeal 08A-UI-04040-DWT, affirmed the September 19, 2001, decision that held the clamant disqualified from receiving benefits as of August 12, 2001.

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 section 96.3-7. Based on the decision for appeal 08A-UI-04040-DWT, the claimant is not legally entitled to receive benefits from August 12 through September 8, 2001. She has been overpaid \$1,216.00 in benefits she received for these weeks.

DECISION:

The representative's September 26, 2001 decision (reference 02) is affirmed. The claimant has been overpaid and must repay \$1,216.00 in benefits she received between August 12 and September 8, 2001.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs