

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
MARY E LEWIS Claimant	APPEAL NO: 10A-UI-09286-DWT
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 01/24/10 Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's June 23, 2010 decision (reference 03) that held her overpaid \$2,394.00 in benefits she received between January 24 and June 5, 2010. The overpayment occurred as the result of a June 9, 2010 decision that disqualified her from receiving benefits. A telephone hearing was held on August 11, 2010. The claimant participated in the hearing with her son, David Gragg. 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.

ISSUE:

Has the claimant been overpaid \$2,394.00 in benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 24, 2010. She filed for and received benefits for the weeks ending January 30 through June 5, 2010. She received her maximum weekly benefit amount of \$101.00 each of these 19 weeks. She received an additional \$25 each of these weeks from the government's economic stimulus program.

The claimant appealed the representative's June 9, 2010 decision that disqualified her from receiving benefits. This decision has been affirmed. See decision for appeal 10A-UI-08544-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 section 96.3-7. Based on the decision for appeal 10A-UI-08544-DWT, the claimant is not legally entitled to receive benefits January 24 through June 5, 2010. The claimant is not at fault in receiving the benefits. Even though the claimant is not at fault, she is still required to repay the \$2,394.00 in benefits she received for these 19 weeks.

DECISION:

The representative's June 23, 2010 decision (reference 03) is affirmed. Even though the claimant is not at fault, she has been overpaid and must repay a total of \$2,394.00 in benefits she received for the weeks ending January 30 through June 5, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs