

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNDA M WALKUP
Claimant

APPEAL NO. 09A-UI-18202-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/22/09
Claimant: Appellant (1)

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed overpayment decision dated November 24, 2009, reference 03, which held claimant overpaid \$2,512.00 in Trade Readjustment Allowance (TRA) for the eight weeks between July 12 and September 5, 2009. A telephone hearing was held on January 14, 2010. The claimant participated in the hearing with her attorney, David Hanson.

ISSUE:

Was the claimant overpaid TRA?

FINDINGS OF FACT:

The claimant filed for and received a total of \$2,512.00 in Trade Readjustment Allowance (TRA) for the eight weeks between July 12 and September 5, 2009. She had received these TRA benefits before she had exhausted her EUC.

The unemployment insurance decision dated November 16, 2009, that redetermined that the claimant was eligible for regular unemployment insurance benefits effective February 22, 2009, has been affirmed in a decision in appeal 09A-UI-18201-SWT.

Since the decision dated November 16, 2009, the \$2,512.00 overpayment has been offset against benefits payable to the claimant so that her current balance is zero.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This temporary unemployment insurance program provides additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment benefits. Under the EUC program, EUC benefits are to be paid before Trade Readjustment Allowance benefits are paid.

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 section 96.3-7.

Since she received TRA and should have received EUC instead, she was overpaid \$2,512.00 in TRA for the eight weeks between July 12 and September 5, 2009. The \$2,512.00 overpayment, however, has been offset against benefits payable to the claimant so that her current balance is zero.

DECISION:

The unemployment insurance decision dated November 24, 2009, reference 03, is affirmed. The claimant was overpaid \$2,512.00 in TRA for the eight weeks between July 12 and September 5, 2009. The \$2,512.00 overpayment, however, has been offset against benefits payable to the claimant so that her current balance is zero.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs