

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY S DRAAYER
Claimant

APPEAL NO. 07A-UI-00158-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/24/06 R: 01
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Tracy S. Draayer (claimant) appealed a representative's December 26, 2006 decision (reference 04) that held she had been overpaid \$996.00 in benefits she received for the weeks ending September 30 through December 16, 2005. This overpayment occurred as the result of the claimant's maximum weekly benefit amount being redetermined and reduced from \$229.00 to \$146.00. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 23, 2007. 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.

ISSUE:

Has the claimant been overpaid \$996.00 in benefits she received for the weeks ending September 30 through December 16, 2006?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 24, 2006. Initially, the claimant's maximum weekly benefits amount was determined to equal \$229.00. The claimant filed claims for the weeks ending September 30 through December 16, 2006. The claimant received her maximum weekly benefit for each of these weeks.

The claimant's maximum weekly benefits amount was reduced to \$146.00 after the Department discovered the claimant's former employer reported not only wages but also short-term disability benefits as wages. Based on a correction of her wages, the claimant's maximum weekly benefit was determined to equal \$146.00.

The claimant appealed a decision denying her request to redetermine her claim by substituting wages prior to her base period. This decision was affirmed. See decision for 07A-UI-000157-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. Through no fault of the claimant, the claimant's maximum weekly benefit was reduced from \$229.00 to \$146.00. As a result of her redetermined weekly benefit amount, the claimant has been overpaid \$996.00 in benefits she received for the weeks ending September 30 through December 16, 2006.

DECISION:

The representative's December 26, 2006 decision (reference 04) is affirmed. The claimant has been overpaid \$996.00 in benefits she received for the weeks ending September 30 through December 16, 2006, after her maximum weekly benefits was reduced from \$229.00 to \$146.00.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw