

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

PATRICIA A MILLER
1639 – 8½ AVE N
FORT DODGE IA 50501 2709

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-07068-DWT
OC: 05/28/06 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Patricia A. Miller (claimant) appealed a representative's July 3, 2006 decision (reference 03) that concluded she had been overpaid \$208.00 in benefits she received for the week ending June 10, 2006. The overpayment occurred as the result of a representative's decision (reference 02) that held she was not eligible to receive benefits this week because she received vacation pay that was attributed to this week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 27, 2006. 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 \$208.00 in benefits for the week ending June 10, 2006?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits for the week ending June 10, 2006. The claimant received her maximum weekly benefit amount of \$208.00 for this week. The claimant also filed a claim for benefits for the week ending July 1, 2006. Although the claimant was considered eligible to receive benefits for this week, she did not receive any benefits because the Department retained benefits for the week ending July 1 to offset benefits the claimant received for the week ending June 10, 2006.

The claimant appealed a representative's decision (reference 02) that concluded she was not eligible to receive benefits for the week ending June 10, 2006 because she received vacation pay that exceeded her weekly benefit amount. This decision has been affirmed. See decision for appeal 06A-UI-07067-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 06A-UI-07067-DWT, the claimant is not eligible to receive benefits for the week ending June 10, 2006.

The \$208.00 in benefits the claimant was overpaid for the week ending June 10, 2006, has already been recouped by the Department when the claimant's benefits for the week ending July 1, 2006 were retained by the Department to offset the overpayment for the week ending June 10, 2006. Therefore, the overpayment has already been repaid and the claimant does not owe the Department any money.

DECISION:

The representative's July 3, 2006 decision (reference 03) is affirmed. The claimant was not legally entitled to receive benefits for the week ending June 10. The overpayment that occurred for this week has already been recouped by the Department when benefits the claimant was legally entitled to receive for the week ending July 1 were kept by the Department to offset the overpayment that occurred during the week ending June 10. The June 10 overpayment has already been repaid and the claimant does not owe the Department any money.

dlw/kjw