

**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**

**NATE S THOMPSON
2172 NEMAHA LN
LOGAN IA 51546**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-00145-DWT
OC: 07/11/04 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:

Nate S. Thompson (claimant) appealed a representative's December 28, 2004 decision (reference 04) that concluded he had been overpaid \$139.00 in benefits he received for the week ending September 18, 2004. The overpayment occurred as the result of a representative's December 23, 2004 decision that held the claimant ineligible to receive benefits for this week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 20, 2005. 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 \$139.00 in benefits he received for the week ending September 18, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 11, 2004. He filed a claim for benefits for the week ending September 18, 2004. The claimant received \$139.00 in benefits for the week ending September 18, 2004.

The claimant appealed the representative's December 23, 2004 decision that held him ineligible to receive benefits for the week ending September 18, 2004. This decision has been affirmed. See decision for appeal 05A-UI-00144-DWT.

The Department used the benefits the claimant was entitled to receive for the week ending December 11, 2004 to offset the \$139.00 overpayment.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits he 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 05A-UI-00145-DWT, the claimant is not legally entitled to receive benefits for the week ending September 18, 2004. Since the Department already offset the overpayment with benefits the claimant was entitled to receive for the week ending December 11, 2004, the claimant does not have to repay any money as of the date of this decision.

DECISION:

The representative's December 28, 2004 decision (reference 04) is affirmed. The claimant was not legally entitled to receive unemployment insurance benefits during the week ending September 18, 2004. Therefore, he was overpaid \$139.00 in benefits he received for this week. Since the Department has already offset this overpayment, the claimant does not have to repay any money to the Department as of the date of this decision.

dlw/sc