

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILIP M KEATING
Claimant

APPEAL NO. 09A-UI-11493-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 04/05/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Philip M. Keating (claimant) appealed a representative's August 4, 2009 decision (reference 02) that concluded he had been overpaid \$1,518.00 in benefits he received for the weeks ending April 11 through May 16, 2009. The overpayment occurred as the result of a representative's June 5 decision that disqualified him from receiving benefits as of April 5, 2009. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 26, 2009. 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 \$1,518.00 in benefits he received for the weeks ending April 11 through May 16, 2009?

FINDINGS OF FACT:

The claimant filed claims for the weeks ending April 11 through May 16, 2009. He received a total of \$1,368.00 in regular unemployment for these weeks. He also received an additional \$25.00 each week from the government's economic stimulus program. This totaled \$150.00.

The claimant appealed the representative's June 5, 2009 decision that disqualified him from receiving benefits as of April 5, 2009. This decision has been affirmed. See decision for appeal 09A-UI-11492-DWT.

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. The evidence establishes the claimant was not at fault in receiving the overpayment. Based on the decision for appeal 09A-UI-11492-DWT, the claimant is not legally entitled to receive benefits for the weeks ending April 11 through May 16, 2009. The claimant has been overpaid a total of \$1,518.00 in benefits he received for these weeks.

DECISION:

The representative's August 4, 2009 decision (reference 02) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending April 11 through May 16, 2009. He has been overpaid and must repay a total of \$1,518.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw