

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

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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-03490-DWT
OC 02/22/04 R 12
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 are 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 – Voluntary Quit

STATEMENT OF THE CASE:

Digna L. Romero deMontenegro (claimant) appealed a representative's March 24, 2004 decision (reference 07) that concluded she had been overpaid \$496.00 in benefits she received between February 22 and March 6, 2004. The overpayment occurred as a result of a representative's March 17, 2004 decision that disqualified her from receiving benefits as of February 22, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled for April 26, 2004. The claimant responded to the hearing notice but did not answer the phone. A message was left on the claimant's answering machine for the claimant to contact the Appeals Section immediately. The claimant did not contact the Appeals Section again on April 26. The interpreter was excused from the hearing. Based on the administrative record 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 \$496.00 in unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of February 22, 2004. She filed claims for the weeks ending February 28 and March 6, 2004. She received a total of \$496.00 in benefits for these two weeks.

The claimant appealed a representative's March 17, 2004 decision that disqualified her from receiving benefits as of February 22, 2004. This decision has been affirmed. See decision for appeal 04A-UI-03489-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 04A-UI-03489-DWT, the claimant is not legally entitled to receive benefits for the weeks ending February 28 and March 6, 2004. She has been overpaid \$496.00 in benefits she received these weeks.

DECISION:

The representatives' March 24, 2004 decision (reference 07) is affirmed. The claimant has been overpaid \$496.00 in benefits she received for the weeks ending February 28 and March 6, 2004.

dlw/b