

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS L SWAILS
Claimant

APPEAL NO: 09A-UI-16934-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/07/08
Claimant: Appellant (4)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 28, 2009 decision (reference 04) that held he had been overpaid \$3,584.00 in benefits he received for the weeks ending June 7 through August 15, 2009. The overpayment occurred as the result of a representative's August 20, 2009 decision that held him ineligible to receive benefits as of June 7, 2009. A telephone hearing was held on December 15, 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 \$3,584.00 in benefits he received for the weeks ending June 13 through August 15, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 7, 2008. The claimant appealed a representative's August 20, 2009 decision that held him ineligible to receive benefits as of June 7, 2009. An administrative law judge modified this decision and held the claimant was ineligible to receive benefits as of June 20, not June 7, 2009. See decision for appeal 09A-UI-12383-SWT.

The claimant filed claims for the weeks ending June 13 through August 15, 2009. He received his maximum weekly benefits of \$361.00 for each week with the exception of July 11. For the week ending July 11, the claimant received \$85.00 in benefits. The claimant received an additional \$25.00 each week from the government's economic stimulus program.

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 section 96.3-7. Based on the decision for appeal 09A-UI-12383-

SWT, the claimant is not entitled to receive benefits for the weeks ending June 27 through August 15, 2009. This means he has been overpaid \$2,812.00 instead of \$3,584.00.

DECISION:

The representative's October 28, 2009 decision (reference 04) is modified in the claimant's favor. The claimant is not legally entitled to receive benefits for the weeks ending June 27 through August 15, 2009. He has been overpaid \$2,812.00 in benefits, not \$3,584.00.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs