

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES R FUNK
Claimant

APPEAL NO: 09A-UI-17573-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/19/09
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's November 17, 2009 decision (reference 03) that held him overpaid \$698.00 in benefits he received for the weeks ending July 25 through August 8, 2009. The overpayment occurred as the result of a representative's September 18, 2009 decision that held the claimant ineligible to receive benefits as of July 19, 2009. A telephone hearing was held on January 13, 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 \$698.00 in benefits he received for the weeks ending July 25 through August 8, 2009?

FINDINGS OF FACT:

The claimant reopened his claim for benefits during the week of July 19, 2009. He filed for partial benefits for the weeks ending July 25 through August 8, 2009. The claimant received \$175.00 in benefits for the week ending July 25; he received \$321.00 in benefits for the week ending August 1, and he received \$145.00 in benefits for the week ending August 8, 2009. He received an additional \$25.00 each of these weeks from the government's economic stimulus program.

The claimant appealed the representative's September 18, 2009 decision that held him ineligible to receive benefits as of July 19, 2009. This decision has been reversed. See decision for appeal 09A-UI-17572-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. Based on the decision for appeal 09A-UI-17572-DWT, the

claimant is legally entitled to receive benefits for the weeks ending July 25 through August 8, 2009. Therefore, he had not been overpaid \$698.00 in benefits he received for these weeks.

DECISION:

The representative's November 17, 2009 decision (reference 03) is reversed. The claimant is legally entitled to receive benefits for the weeks ending July 25 through August 8, 2009. Therefore, he has not been overpaid \$698.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css