

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE A BURESH
Claimant

APPEAL NO. 08A-UI-08465-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/22/08 R: 04
Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Joyce A. Buresh (claimant) appealed a representative's September 18, 2008 decision (reference 04) that concluded she had been overpaid unemployment insurance benefits. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on October 7, 2008. This appeal was consolidated for hearing with one related appeal, 08A-UI-08464-DT. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated September 18, 2008 (reference 01) that concluded the claimant was disqualified from receiving benefits in a second benefit year due to a lack of qualified earnings since the initiation of the first claim year. The claimant timely appealed that decision and in the concurrently issued decision in appeal 08A-UI-08465-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the September 18, 2008 (reference 01) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$1,776.00.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits for which she subsequently was deemed ineligible in the representative's decision issued on September 18, 2008. The disqualification from that decision

has been reversed in the concurrently issued decision in 08A-UI-08464-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

DECISION:

The representative's September 18, 2008 decision (reference 04) is reversed. The claimant is not overpaid benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw