

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

JEFF D SIMONS
PO BOX 562
DUBUQUE IA 52004-0562

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-01944-DWT
OC 12/14/03 R 04
Claimant: Appellant (2)

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 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Jeff D. Simons (claimant) appealed a representative's January 23, 2004 decision (reference 05) that concluded he had been overpaid \$300.00 for the week ending January 10, 2004 because he did not accurately report vacation pay he received during this week. A hearing was held on February 24, 2004. 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 \$300.00 in benefits for the week ending January 10, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 14, 2003. He filed a claim for the week ending January 10, 2004. The claimant received \$300.00 in benefits for this week.

The claimant appealed a representative's decision that concluded he was not legally entitled to receive benefits for this week. This decision has been reversed. See decision for appeal 04A-UI-01943-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 04A-UI-01943-DWT, the claimant is legally entitled to receive benefits for the week ending January 10, 2004. Therefore, he has not been overpaid any benefits this week.

DECISION:

The representative's January 23, 2004 decision (reference 05) is reversed. The claimant is legally entitled to receive \$300.00 in benefits for the week ending January 10, 2004 and has not been overpaid any benefits this week.

dlw/b