

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONNIE L DYSON
Claimant

APPEAL NO: 12A-UI-15269-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/13/11
Claimant: Appellant (4)**

Iowa Code § 96.4(7) – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's December 19, 2012 determination (reference 06) that held she had been overpaid \$1,168.00 in Emergency Unemployment Compensation benefits she received for the weeks ending November 17 through December 8, 2012. Based on a January 16, 2013 determination (reference 07) the claimant agreed there was no need for a hearing. Based on the administrative record and the law, the administrative law judge concludes the claimant has **not been overpaid** any benefits she received for the weeks ending November 17 through December 8, 2012.

FINDINGS OF FACT:

The claimant filed for and received benefits for the weeks ending November 17 through December 8, 2012. She received a total of \$1,168.00 in benefits for these weeks. The Department initially paid the claimant Emergency Unemployment Compensation benefits for the above weeks. Based on a December 18 determination (reference 05) she was not eligible to receive Emergency Unemployment Compensation benefits for these four weeks.

After the claimant was held not eligible to receive Emergency Unemployment Compensation benefits, she was then held eligible to receive Training Extension Benefits as of November 11, 2012. The Department then transferred funds from the Training Extension Benefits funds to replace the money she had received from the Emergency Unemployment Compensation funds for the four weeks at issue. The end result, the claimant has **NOT been overpaid any benefits** she received for the weeks ending November 17 through December 8, 2012.

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). In this case, the claimant was not eligible to receive

Emergency Unemployment Compensation benefits for the weeks ending November 17 through December 8, 2012. But based on a January 16, 2013 determination (reference 07) the claimant is eligible to receive Training Extension Benefits for these same weeks. The result, the claimant has **NOT** been overpaid any benefits she received for these weeks.

DECISION:

The representative's December 19, 2012 determination (reference 06) is modified in the claimant's favor by a January 13, 2013 determination. The claimant has **not** been overpaid the \$1,168.00 in benefits she received for the weeks ending November 17 through December 8, 2012, because she is eligible to receive Training Extension Benefits for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs