

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAUL GARCIA
Claimant

APPEAL NO: 14A-UI-08883-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/11/14
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 25, 2014 (reference 07) determination that held him overpaid \$424.00 in benefits he received for the week ending August 16. The overpayment occurred as the result of an August 22 determination that held him ineligible to receive benefits as of August 10, 2014. The claimant participated at the September 22 hearing. Olga Esperaza interpreted the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has not been overpaid benefits for this week.

ISSUE:

Has the claimant been overpaid \$424.00 in benefits he received for the week ending August 16, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 11, 2014. He filed a claim for the week ending August 16, 2014. He received his maximum weekly benefit amount of \$424.00 for this week.

The claimant appealed the August 22 determination that held him ineligible to receive benefits as of August 10, 2014. This determination has been reversed. See decision for Appeal No. 14A-UI-08882-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 No. 14A-UI-08882-DWT, the claimant is eligible to receive benefits as of August 10, 2014. The claimant has not been overpaid \$424.00 in benefits for the week ending August 16, 2014.

DECISION:

The representative's August 25, 2014 (reference 07) determination is reversed. The claimant is eligible to receive benefits as of August 10, 2014. He has **NOT** been overpaid \$424.00 in benefits for the week ending August 16, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

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