

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA CORTEZ
Claimant

APPEAL NO: 14A-UI-13444-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/23/14
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 19, 2014 determination (reference 03) that held her overpaid \$735 in benefits she received for the weeks ending November 29 through December 13, 2014. The overpayment occurred as the result of a December 18 determination that held her ineligible to receive benefits as of November 23, 2014. The claimant participated at the January 23, 2015 hearing. Anna Pottebaum 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 she received for the weeks ending November 29 through December 13, 2014.

ISSUE:

Has the claimant been overpaid \$735 in benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 23, 2014. She filed claims for the weeks ending November 29 through December 13. She received her maximum weekly benefit amount of \$245 for each week.

The claimant appealed a representative's December 18 determination that held her ineligible to receive benefits as of November 23, 2014. This determination has been reversed. See decision for appeal 14A-UI-13443.

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). Based on the decision for appeal 14A-UI-13443, the claimant is legally entitled to receive benefits as of November 23, 2014. She has not been overpaid \$735 in benefits she received for the weeks ending November 29 through December 13, 2014.

DECISION:

The representative's December 19, 2014 determination (reference 03) is reversed. The claimant is eligible to receive benefits as of November 23, 2014, and has not been overpaid \$735 in benefits she received for the weeks ending November 29 through December 13, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs