

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA M HILDEBRAND
Claimant

APPEAL NO. 09A-UI-17146-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/12/09
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 28, 2009 decision (reference 03) that concluded she had been overpaid \$1,995.00 in benefits she received for the weeks ending July 18 through August 15, 2009. The overpayment occurred as the result of a representative's August 21, 2009 decision (reference 02) that disqualified her from receiving benefits as of July 12, 2009. A telephone hearing was scheduled on December 18, 2009.

Prior to the hearing, the claimant requested that her appeal be dismissed because an administrative law judge's November 12, 2009 decision reversed the disqualifying decision. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Whether the claimant has been overpaid \$1,995.00 in benefits she received for the weeks ending July 18 through August 15, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits as of July 12, 2009. The claimant appealed a representative's August 21, 2009 decision that disqualified her from receiving benefits as of July 12, 2009. An administrative law judge reversed the representative's August 21, 2009 decision. The employer did not appeal the administrative law judge's November 12, 2009 decision. See decision for appeal 09A-UI-15203-MT.

The claimant filed for and received benefits for the weeks ending July 18 through August 15, 2009. The claimant received a total of \$1,995.00 in benefits for these weeks.

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 09A-UI-15203-MT, the

claimant is legally entitled to receive benefits for the weeks ending July 18 through August 15, 2009. The claimant has not been overpaid \$1,995.00 in benefits she received for these weeks.

DECISION:

The representative's October 28, 2009 decision (reference 03) is reversed. The claimant is legally entitled to receive benefits as of July 12. She is eligible to receive benefits for the weeks ending July 18 through August 15, 2009. The claimant has not been overpaid \$1,995.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw