

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONNA L LAABS
Claimant

APPEAL NO. 08A-UI-10457-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/14/08 R: 03
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Donna L. Laabs (claimant) appealed a representative's November 4, 2008 decision (reference 02) that concluded she had been overpaid \$285.00 in benefits she received for the week ending September 20, 2008. The overpayment occurred as the result of a representative's November 4 decision (reference 01) that held the claimant was not eligible to receive benefits for the week ending September 20 because she received vacation pay that was attributable to this week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 24, 2008. 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 \$285.00 in benefits she received for the week ending September 20, 2008?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of September 14, 2008. The claimant filed a claim for the week ending September 20, 2008. She received \$285.00 in benefits for this week.

The claimant appealed a representative's reference 01 decision that held the claimant was not eligible to receive benefits for the week ending September 20, 2008. This decision has been reversed. See decision for appeal 08A-UI-10456-DWT.

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 08A-UI-10456-DWT, the

claimant is legally entitled to receive benefits for the week ending September 20, 2008. Therefore, the claimant has not been overpaid \$285.00 in benefits she received for this week.

DECISION:

The representative's November 4, 2008 decision (reference 02) is reversed. The claimant is legally entitled to receive benefits for the week ending September 20, 2008. The claimant has not been overpaid \$285.00 in benefits she received for this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw