

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW KENNEDY
Claimant

APPEAL NO: 07A-UI-02168-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/07/07 R: 02
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Matthew Kennedy (claimant) appealed a representative's February 23, 2007 decision (reference 03) that concluded he had been overpaid \$1,002.00 in benefits he received for the weeks ending January 20 through February 3, 2007. The overpayment occurred as the result of a representative's February 22, 2007 decision that disqualified the claimant from receiving benefits as of January 7, 2007. After a hearing notice was mailed to the claimant's last-known address of record, an in-person hearing was held in Des Moines on March 20, 2007. 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 any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of January 7, 2007. He filed claims for the weeks ending January 20 through February 3, 2007. The claimant received a total of \$1,002.00 in benefits for these weeks.

The claimant appealed a representative's February 22, 2007 decision that disqualified him from receiving benefits as of January 7, 2007. This decision has been affirmed. See decision for appeal 07A-UI-02164-DW.

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 section 96.3-7. Based on the decision for appeal 07A-UI-02164-DW, the claimant is not legally entitled to receive unemployment insurance benefits for the weeks ending January 20 through February 3, 2007. Therefore, he has been overpaid \$1,002.00 for the benefits he received during these weeks.

DECISION:

The representative's February 23, 2007 decision (reference 03) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending January 20 through February 3, 2007. The claimant has been overpaid and must repay a total of \$1,002.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs