

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY W YOCUM
Claimant

APPEAL NO: 09A-UI-15853-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/04/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's October 13, 2009 decision (reference 07) that concluded he had been overpaid \$1,200.00 in benefits he received for the weeks ending July 11 through August 1, 2009. The overpayment occurred as the result of a representative's August 10, 2009 decision that disqualified the claimant from receiving benefits as of July 5, 2009. A telephone hearing was held on November 24, 2009. 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 \$1,200.00 in benefits he received for the weeks ending July 11 through August 1, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 4, 2009. He reopened his claim during the week of July 5, 2009. He filed claims for the weeks ending July 11 through August 1, 2009. He received his maximum weekly benefit of \$275.00 for the weeks ending July 11 through August 1, 2009. He also received an additional \$25.00 each week from the government's economic stimulus program.

The claimant appealed the August 10, 2009 disqualifying decision. This decision has been affirmed. See decision for appeal 09A-UI-15844-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 section 96.3-7. Based on the decision for appeal 09A-UI-15844-DWT, the claimant is not legally entitled to receive benefits for the weeks ending July 11 through August 1, 2009. Therefore, he has been overpaid and must repay a total of \$1,200.00 in benefits he received for these weeks.

DECISION:

The representative's October 13, 2009 decision (reference 07) is affirmed. The claimant is not legally entitled to receive benefits for the weeks ending July 11 through August 1, 2009. He has been overpaid and must repay a total of \$1,200.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs