

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARREN C WARE
Claimant

APPEAL NO: 07A-UI-10722-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/14/07 R: 03
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Darren C. Ware (claimant) appealed a representative's November 19, 2007 decision (reference 03) that concluded he had been overpaid \$537.00 in benefits he received for the weeks ending October 20 through November 10, 2007. The overpayment occurred as the result of a representative's November 16 decision that disqualified the claimant from receiving benefits as of October 14, 2007. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 5, 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 benefits during the week of October 14, 2007. He filed claims for the weeks ending October 20 through November 10, 2007. The claimant received a total of \$537.00 in benefits for these weeks.

The claimant appealed a representative's November 16, 2007 decision that disqualified him from receiving benefits as of October 14, 2007. This decision has been reversed. See decision for appeal 07A-UI-10721-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 07A-UI-10721-DWT, the claimant is legally entitled to receive benefits for the weeks ending October 20 through November 10, 2007. The claimant has not been overpaid \$537.00 in benefits he received for these weeks.

DECISION:

The representative's November 19, 2007 decision (reference 03) is reversed. The claimant is legally entitled to receive benefits for the weeks ending October 20 through November 10, 2007. The claimant has not been overpaid \$537.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs