

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIANNE BOURG
Claimant

APPEAL NO: 12A-UI-10574-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/24/11
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Recovery of Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 24, 2012 determination (reference 06) that held her overpaid \$5,842 in benefits she received between April 3 and August 20, 2011. The overpayment occurred as the result of a representative's August 7, 2012 determination that held she was not qualified to receive benefits as of April 8, 2011. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has not been overpaid benefits for these weeks.

ISSUE:

Has the claimant been overpaid benefits she received between April 3 and August 20, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 25, 2010. She established a new benefit year the week of July 24, 2011. She filed claims for the weeks ending April 9 through August 20, 2011. She received a total of \$5,842 in benefits for these weeks.

The claimant appealed a representative's August 7, 2012 determination that held her disqualified as of April 8, 2011. This determination has been reversed. See decision for appeal 12AUI-10573-DWT. Based on the decision for appeal 12A-UI-10573-DWT, the claimant remains eligible to receive benefits as of April 3, 2011.

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 12A-UI-15073-DWT, the claimant is legally entitled to receive benefits for the weeks ending April 9 through August 20, 2011. Therefore, she has not been overpaid \$5,842 in benefits she received for these weeks.

DECISION:

The representative's August 24, 2012 determination (reference 06) is reversed. The claimant was legally entitled to receive benefits for the weeks ending April 9 through August 20, 2011. She has NOT been overpaid \$5,842 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw