

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNN L DONER
Claimant

APPEAL NO. 09A-UI-11317-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 03/01/09
Claimant: Appellant (4/R)**

Section 96.3.7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Lynn L. Doner (claimant) appealed a representative's July 28, 2009 decision (reference 02) that concluded she had been overpaid \$3,474.00 in benefits she received between April 5 and June 6, 2009. The overpayment occurred as the result of two representative's decisions, reference 01 and 03. After a hearing notice were mailed to the claimant's last-known address of record, a telephone hearing was held on August 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 \$3,474.00 in benefits she received from April 5 through June 6, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 1, 2009. She filed for and received benefits for the weeks ending April 11 through June 6, 2009. The claimant received her maximum weekly benefits amount of \$361.00 for each of these weeks. She also received an additional \$25.00 each week from the government's economic stimulus program.

Based on the decision for appeal 09A-UI-11315-DWT, the claimant is legally entitled to receive benefits as of April 19, 2009.

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 09A-UI-13315-DWT, the claimant is eligible to receive benefits as of April 19 or for the weeks ending April 25 through June 6. The claimant is not legally entitled to receive benefits for the weeks ending April 11 and 18, 2009. Therefore, the claimant has been overpaid a total of \$772.00 in benefits she received for these two weeks.

DECISION:

The representative's July 28, 2009 decision (reference 02) is modified in the claimant's favor. The claimant has been overpaid benefits she received for the weeks ending April 11 and 18, 2009. This means she has been overpaid a total of \$772.00, not \$3,474.00. This matter is remanded to the Claims Section because five weeks of benefits have been used to offset the overpayment and the claimant has not been overpaid that much money.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw