IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

ESTHER D NEAL
Claimant

**IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT**

APPEAL NO: 14A-UI-02979-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/25/13
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 5, 2014 determination (reference 02) that held her overpaid $3,264 in benefits she received for the weeks ending August 31 through November 16, 2013. The overpayment occurred as a result of a November 22, 2013 determination that held the claimant ineligible to receive benefits as of August 25, 2013.

The claimant initially requested an in-person hearing. She later contacted the Appeals Bureau and asked for a phone hearing. The claimant participated at the June 26 telephone hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid benefits she received for the weeks ending August 31 through November 16, 2013.

ISSUE:

Has the claimant been overpaid $3,264 benefits she received for the weeks ending August 31 through November 16, 2013?

FINDINGS OF FACT:

The claimant established a claim for a second, subsequent benefit year during the week of August 25, 2013. When the clamant established her second benefit year, she asked a representative if she could file weekly claims even though she knew she was not eligible to receive benefits. The claimant understood she could continue to file weekly claims, but she would not receive any benefits. The claimant wanted to file weekly claims to keep her motivated each week to look for work.

The claimant called in claims for the weeks ending August 31 through November 16, 2013. She received her maximum weekly benefit amount of $408 for each of these weeks.

The claimant knew she had money in her bank account from the money she received from a lawsuit. She did not check her bank account until late October or early November 2013. She then realized the Department had been paying her weekly unemployment insurance benefits since the week ending August 31, 2013. The claimant contacted her local Workforce office and

reported that she was receiving benefits she was not entitled to receive. Even though the claimant reported this mistake, local representatives made her feel like she had done something wrong.

An appeal was set up for the November 22, 2013 determination that held her ineligible to receive benefits as of August 25, 2013. This determination has been affirmed. See decision for appeal 14A-UI-02978-DWT.

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 14A-UI-02978-DWT, the claimant is not legally entitled to receive benefits as of August 25, 2013. The claimant has been overpaid $3,264 in benefits she received for the weeks ending August 31 through November 16, 2013.

The clamant is NOT at fault in receiving the overpayment. A representative gave her incorrect information when she established the new benefit year. The claimant is commended for her honesty when she discovered the Department paid her benefits she knew was not eligible to receive. Even though the claimant is not at fault for the overpayment, the law still requires her to pay back this amount to the Department.

DECISION:

The representative's March 5, 2014 determination (reference 02) is affirmed. The claimant has been overpaid $3,264 in benefits she received for the weeks ending August 31 through November 16, 2013. Even though the claimant relied on incorrect information from a Department representative and reported the fact the Department paid her benefits she knew she was not eligible to receive, the law requires the claimant to pay back this overpayment.

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Debra L. Wise
Administrative Law Judge

_____
Decision Dated and Mailed

dlw/css