

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT M KOCH
Claimant

APPEAL NO: 09A-UI-14536-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/09
Claimant: Appellant (2)**

Section 96. 3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Robert M. Koch (claimant) appealed a representative's September 15, 2009 decision (reference 02) that concluded he had been overpaid \$2,316.00 in benefits he received for the weeks ending April 11 through May 16, 2009. The overpayment was based on a representative's decision (reference 01) that held he was not eligible to receive benefits for these weeks. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 26, 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 \$2,316.00 in benefits he received for the weeks ending April 11 through May 16, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of April 5, 2009. He filed claims for the week ending April 11 through May 16, 2009. He received his maximum weekly benefit amount of \$361.00 for each of these weeks. He received an additional \$25.00 each week from the government's economic stimulus program.

The claimant appealed the representative's decision (reference 01) that held he was not eligible to receive benefits for the weeks ending April 11 through May 16, 2009. This decision has been reversed. See decision for appeal 09A-UI-14535-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-14535-DWT, the claimant is eligible to receive his maximum weekly benefit amount for the weeks

ending April 11 through May 16, 2009. This means the claimant has not been overpaid \$2,316.00 in benefits.

Since the Department started to recoup the overpayment established in the reference 01 decision before the hearing, the money that has already been withheld shall be paid to the claimant.

DECISION:

The representative's September 15, 2009 decision (reference 02) is reversed. The claimant has not been overpaid \$2,316.00 in benefits he received for the weeks ending April 11 through May 16, 2009, because he is eligible to receive benefits for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs