

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES R WALKER
Claimant

APPEAL NO: 07A-UI-01902-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/25/06 R: 02
Claimant: Appellant (4)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Charles R. Walker (claimant) appealed a representative's February 13, 2007 decision (reference 05) that concluded he had been overpaid \$1,108.00 in benefits he received for the weeks ending January 13 through February 3, 2007. The overpayment occurred as the result of a representative's February 12, 2006 decision that disqualified him from receiving benefits as of January 7, 2007. After a hearing notice was mailed to the claimant's last-known address of record, an in-person hearing was held in Des Moines, Iowa, on March 20, 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 \$1,108.00 in benefits?

FINDINGS OF FACT:

The claimant reopened his claim for benefits during the week of January 7, 2007. The claimant filed claims for the weeks ending January 13 through February 3, 2007. The Department issued the claimant a check for the week ending February 3, but the claimant returned the check or cancelled this check. Before the check for the week ending February 3 was cancelled, the Department deducted \$41.55 for taxes and deposited this amount on the claimant's behalf. For the weeks ending January 13 through February 3, 2007, the claimant received a gross payment of \$872.55.

The claimant appealed the representative's February 12, 2007 decision that disqualified him from receiving benefits as of January 7, 2007. This decision has been affirmed. See decision for appeal 07A-UI-01901-DW. See also the decision for appeal 07A-UI-01903-DW.

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 decisions for appeals 07A-UI-01901-DW and 07A-UI-01903-DW, the claimant is not legally entitled to receive benefits for the weeks ending January 13 through 27, 2007 and the taxes that were paid on his behalf for the week ending February 3, 2007. The claimant has been overpaid \$872.55 in benefits for these weeks.

DECISION:

The representative's February 13, 2007 decision (reference 05) is modified by the decision 07A-UI-01903-DWT and the representative's February 16, 2007 decision (reference 06). The claimant is not legally entitled to receive benefits or taxes paid on his behalf for the weeks ending January 13 through February 3, 2007. The claimant has been overpaid and must repay a total of \$872.55 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs