

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA J CRAFT
Claimant

APPEAL NO: 12A-EUCU-00181-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/30/10
Claimant: Appellant (4)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a June 14, 2012 determination (reference 05) that held her overpaid \$3,227 in benefits she received between October 10 and December 25, 2010. The overpayment occurred as a result of a February 8, 2011 determination (reference 03) that held her ineligible to receive benefits for these weeks. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, the administrative record and the law, the administrative law judge concludes the claimant has been overpaid for benefits she received for the weeks ending October 16 through December 4, 2010.

ISSUE:

Has the claimant been overpaid for benefits she received for the weeks ending October 16, 2011, through December 25, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 30, 2010. She filed claims for weeks ending October 16, 2010, through January 22, 2011. She received the following benefits:

Week ending Date	Wages Reported	Gross Benefits Received
10/16/10	108	265
10/23/10	00	299
10/30/10	00	299
11/06/10	00	299
11/13/10	102	271
11/20/10	00	299
11/27/10	00	299
12/04/10	00	299
12/11/10	00	299
12/18/10	10	299
12/25/10 CLEAR	00	299
01/01/11 DUMMY	00	DQ-AA

01/08/11	00	DQ-AA
01/15/11	00	DQ-AA
01/22/11	00	DQ-AA

In the decision for appeal 11A-UI-01796-LT, an administrative law judge decided the claimant was able to and available for work as of December 3, 2010. The claimant appealed the February 8, 2011 determination (reference 03). This determination has been modified in the claimant's favor. See decision for appeal 12A-EUCU-00180-DWT. Based on this decision, 12A-EUCU-00180-DWT, the claimant is not eligible to receive benefits for the weeks ending October 16 through December 4, 2010. As of December 5, 2010, the claimant is eligible to receive benefits.

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 12A-EUCU-00180-DWT, the claimant has been overpaid \$2,330 in benefits she received for the weeks ending October 16 through December 4, 2010. Since she was legally entitled to receive benefits for the weeks ending January 1 through 22, 2011, these four weeks of benefits will offset the overpayment. This leaves an outstanding overpayment balance of \$1,134 that the claimant is responsible for paying back to the Department.

The claimant is not at fault in receiving the overpayment.

DECISION:

The representative's June 14, 2012 determination (reference 05) is modified in the claimant's favor. Based on the decision for appeal 12A-EUCU-00180-DWT, the claimant is not legally entitled to receive benefits for the weeks ending October 16 through December 4, 2010. As of December 5, 2010, the claimant is eligible to receive benefits. This means she has been overpaid a total of \$2,330 in benefits she received for the weeks ending October 16 through December 4, 2010. Since she filed claims for the weeks ending January 1 through 22 but has not received benefits for these weeks, \$1,196 in benefits attributed to these weeks will be used to offset the overpayment. This leaves the claimant responsible for paying back \$1,134 in benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw