

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SALOMON M LANDEROS**  
Claimant

**APPEAL NO: 15A-UI-02015-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/16/14**  
**Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 10, 2014 determination (reference 02) that held him overpaid \$752 in benefits he received for the weeks ending November 22 and 29, 2014. The overpayment occurred as the result of a December 9 determination that held him ineligible to receive benefits as of November 16, 2014, because he had not provided proof he was legally authorized to work in the United States. The claimant did not participate at the March 9, 2015 hearing. But the claimant provided additional documentation that was forwarded to the Benefits Bureau. Based on this additional information, the Benefits Bureau issued an April 2, 2015 determination (reference 03) that held the claimant eligible to receive benefits as of November 16, 2014.

Based on the administrative record, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of November 16, 2014 and was not overpaid \$752 in benefits.

**ISSUE:**

Has the claimant been overpaid \$752 in benefits he received for the weeks ending November 22 and 29, 2014?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of November 16, 2014. He filed claims for the weeks ending November 22 and 29, 2014. He received his maximum weekly benefit amount of \$376 for each of these weeks.

The claimant appealed the December 9, 2014 determination that held him ineligible to receive benefits as of November 16, 2014. This determination has been reversed. See decision for appeal 15A-UI-02014.

**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 § 96.3(7). Based on the decision for appeal 15A-UI-02014, the claimant is legally entitled to receive benefits as of November 16, 2014. This means he was **not** overpaid benefits he received for the weeks ending November 22 and 29, 2014.

This matter will be remanded to the Benefits Bureau because the computer records indicate the Benefits Bureau used benefits the claimant was entitled to receive for the weeks ending December 13 and 20 to offset the \$752 overpayment which no longer exists.

**DECISION:**

The representative's December 10, 2014 determination (reference 02) is reversed. Based on the decision for appeal 15A-UI-02014, the claimant is legally entitled to receive benefits for the weeks ending November 22 and 29, 2014. Therefore, he has **not** been overpaid \$752 in benefits for these weeks.

This matter is **Remanded** to the Benefits Bureau to review the claimant's benefit history and make sure benefits he was entitled to receive for the weeks ending December 13, and 20, 2014, were not used to offset the overpayment, which no longer exists.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs