

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TODD A WILLS**  
Claimant

**APPEAL NO. 08A-UI-08136-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/15/08 R: 03  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Todd A. Wills filed a timely appeal from an unemployment insurance decision dated September 2, 2008, reference 06, which ruled that he had been overpaid by \$1,496.00 for eight weeks between June 22, 2008 and August 16, 2008 because of an administrative law judge's decision dated August 13, 2008. After due notice was issued, a telephone hearing was held on September 25, 2008 with Mr. Wills participating. The administrative law judge takes official notice of agency decision records.

**ISSUE:**

Must the claimant repay the benefits in question?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in this record, the administrative law judge finds: Todd A. Wills received unemployment insurance benefits in the gross amount of \$1,496.00 for the eight weeks ending August 16, 2008. As of the date of the hearing in this matter, the administrative law judge's decision dated August 13, 2008, 08A-UI-06410-HT had not been reversed by the Employment Appeal Board.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Wills must repay the unemployment insurance benefits in question. He must.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency. The evidence in this record establishes that Mr. Wills received benefits for the eight weeks ending August 16, 2008, that an administrative law judge had ruled that he was not entitled to receive those benefits and that as of the date of the hearing in this matter the Employment Appeal Board had not reversed the administrative law judge's decision. Therefore, the administrative law judge concludes that the unemployment insurance benefits must be

repaid unless the Employment Appeal Board should subsequently reverse the administrative law judge's previous decision.

**DECISION:**

The unemployment insurance decision dated September 2, 2008, reference 06, is affirmed. The claimant has been overpaid by \$1,496.00 for the eight weeks ending August 16, 2008.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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