

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY W SANOW**  
Claimant

**APPEAL NO: 10A-UI-01703-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/27/09**

**Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Jeremy W. Sanow (claimant) appealed a representative's January 28, 2010 decision (reference 06) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 23, 2010. This appeal was consolidated for hearing with one related appeal, 10A-UI-01702-DT. 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 reversing the representative's decision.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

A representative issued a decision dated January 25, 2010 (reference 03) that concluded the claimant was disqualified from receiving benefits after a separation from employment from Ahlrich Concrete, Inc. (employer). The claimant timely appealed that decision and in the concurrently issued decision in appeal 10A-UI-01702-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the January 25, 2010 (reference 03) disqualification decision.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is overpaid benefits of \$3,591.00.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits for which he subsequently was deemed ineligible in the representative's decision issued on January 25, 2010. The disqualification from that decision

has been reversed in the concurrently issued decision in 10A-UI-01702-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

**DECISION:**

The representative's January 28, 2010 decision (reference 06) is reversed. The claimant is not overpaid benefits.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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