

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE L MIDDLEMISS
Claimant

APPEAL NO. 11A-UI-12866-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/21/11
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Diane L. Middlemiss filed a timely appeal from an unemployment insurance decision dated September 20, 2011, reference 02, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$314.00 for the week ending September 3, 2011. Due notice was issued for a telephone hearing to be held October 20, 2011. The claimant did not respond to the notice by providing a telephone number at which she could be contacted. This matter is considered on a consolidated record with 11A-UI-12865-AT.

ISSUE:

Was the claimant overpaid for the week ending September 3, 2011?

FINDINGS OF FACT:

The decision in the companion case has ruled that the claimant was ineligible for unemployment insurance benefits for the week ending August 27, 2011. She was eligible to receive benefits for the week ending September 3, 2011. The Agency withheld benefits for the week ending September 17, 2011, but it should not have done so.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency. Ms. Middlemiss was eligible to receive the benefits paid to her for the week ending September 3, 2011. She was not overpaid. The Agency shall repay the claimant for the benefits it withheld for the week ending September 17, 2011.

DECISION:

The unemployment insurance decision dated September 20, 2011, reference 02, is reversed.
The claimant has not been overpaid for the week ending September 3, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw