

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 09-IWDUI-192
OC: 04/06/08
Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DOUGLAS L. JOHNSON
504 S. STONE ST.
CRESTON, IA 50801-2963

IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS AND RECOVERY
1000 EAST GRAND AVENUE
DES MOINES IA 50319-0209

DAN ANDERSON, IWD

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

September 11, 2009

(Dated and Mailed)

Iowa Code section 96.3-7 – Recovery of Overpayment of Benefits
Iowa Code section 96.16-4 – Misrepresentation

STATEMENT OF THE CASE

Douglas Johnson filed a timely appeal from two decisions issued by Iowa Workforce Development (the Department) dated August 12, 2009 and August 13, 2009. In those decisions, the Department determined that Mr. Johnson was overpaid a total of \$868 in benefits between December 28, 2008 and March 28, 2009. The decisions stated that the overpayments were because of failure to report wages earned with Allendan Seed Company.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on August 31, 2009 for scheduling of a contested case hearing. A Notice of Telephone Hearing was mailed to all parties on September 1, 2009.

Prior to the date of hearing, investigator John Doidge with the Department sent an amended decision dated September 3, 2009 to both the claimant and the undersigned administrative law judge. The Department determined that the overpayment decisions made were incorrect and canceled the overpayment attributed to Mr. Johnson.

On September 11, 2009, the parties convened for a telephone appeal hearing before Administrative Law Judge Laura Lockard. Investigator John Doidge was present on behalf of the Department. Appellant Douglas Johnson was also present. The parties agreed that the Department's September 3 decision canceling the overpayment resolved the issue in full and that there was no further issue for appeal. Mr. Doidge explained that the overpayments were initially issued on the basis of incorrect information reported by the employer.

DECISION

The Department's decisions dated August 12 and 13, 2009 are REVERSED. The claimant has not been overpaid unemployment insurance benefits. The Department shall take any action necessary to implement this decision.

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