

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E GRAHAM
Claimant

APPEAL NO. 10A-UI-07573-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 10/21/07
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

James E. Graham filed a timely appeal from an unemployment insurance decision dated May 21, 2010, reference 01, that ruled he had been overpaid unemployment insurance benefits in the gross amount of \$15,410.00 for 46 weeks between October 21, 2007, and January 10, 2009. After due notice was issued, a telephone hearing was held July 13, 2010, with Mr. Graham participating. This matter is considered on a consolidated record with Appeal Number 10A-UI-07572-AT. The administrative law judge takes official notice of Agency benefit payment records.

ISSUE:

Must the claimant repay the benefits he received for 46 weeks between October 21, 2007, and January 10, 2009?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: James E. Graham received a total of \$15,410.00 in unemployment insurance benefits for 46 weeks that fell between October 21, 2007, and January 10, 2009. The fact-finding decision disqualifying Mr. Graham for those benefits has been reversed by the administrative law judge's decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Graham must repay the benefits he has received. Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid if, and only if, they were paid in error. Since Mr. Graham was entitled to receive the benefits in question, it necessarily follows that he need not repay them.

DECISION:

The unemployment insurance decision dated May 21, 2010, reference 01, is reversed. The claimant has not been overpaid.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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