

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARINA M PERDOMO
Claimant

APPEAL NO. 10A-UI-06925-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY LLC
Employer

OC: 01/11/09
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Overpayments
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Karina M. Perdomo filed an appeal from an unemployment insurance decision dated March 25, 2010, reference 02, that ruled she had been overpaid unemployment insurance benefits in the amount of \$122.00 for the week ending January 9, 2010 because of a fact-finding decision holding her ineligible for those benefits. After due notice was issued, a telephone hearing was held May 26, 2010 with Ms. Perdomo participating. Teresa Feldmann participated for the employer, IAC Iowa City. Patricia Ver Ploeg served as interpreter. This matter is considered on a consolidated record with 10A-UI-06924-AT.

ISSUES:

Has the claimant filed a timely appeal?
Has the claimant been overpaid?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: In the companion decision this administrative law judge has ruled that the claimant's appeal is timely and that she was eligible to receive her full weekly benefit amount for the week ending January 9, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated in the companion decision, the administrative law judge concludes that the appeal is timely. Unemployment insurance benefits must be repaid to the agency if, and only if, they were paid in error. See Iowa Code section 96.3-7. Since Ms. Perdomo was entitled to receive the benefits paid to her for that week, it necessarily follows that they need not be repaid.

DECISION:

The unemployment insurance decision dated March 25, 2010, reference 02, is reversed. The claimant has not been overpaid for the week ending January 9, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs