

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**KYLA J WILSON
513 MAXWELL
MAXWELL IA 50161**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**STEVE HAMILTON
ATTORNEY AT LAW
PO BOX 188
STORM LAKE IA 50588**

**Appeal Number: 06A-UI-01978-AT
OC: 08-21-05 R: 02
Claimant: Appellant (2)**

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 Workforce Development. 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)

(Decision Dated & Mailed)

Section 96.3-7 –Recovery of Overpayments

STATEMENT OF THE CASE:

Kyla J. Wilson filed a timely appeal from an unemployment insurance decision dated February 14, 2006, reference 03, which ruled that she had been overpaid by \$1,233.00 for the four weeks ending January 21, 2006, because of a fact-finding decision disqualifying her for benefits following her separation from employment with Kohl's Department Stores, Inc. After due notice was issued, a telephone hearing was held February 27, 2006, with Steve Hamilton, Attorney at Law, appearing on behalf of Ms. Wilson. This matter is considered on a consolidated record with 06A-UI-01977-AT.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Kyla J. Wilson received unemployment insurance benefits in the gross amount of \$1,233.00 for the four weeks ending January 21, 2006. The fact-finding decision disqualifying Ms. Wilson for benefits has been reversed by the administrative law judge's decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Wilson must repay the benefits she has received. She need not do so.

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid if, and only if, they were paid in error. The evidence in this record establishes that Ms. Wilson was legally entitled to receive the benefits in question. They need not be repaid.

DECISION:

The unemployment insurance decision dated February 14, 2006, reference 03, is reversed. The claimant has not been overpaid.

kkf/kjw