

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEREK D SCHROEDER
Claimant

APPEAL NO. 08A-UI-02196-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/04/07 R: 04
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Derek D. Schroeder filed a timely appeal from an unemployment insurance decision dated February 21, 2008, reference 06, that ruled that he had been overpaid by \$739.00 for the three weeks ending November 24, 2007. Due notice was issued for a telephone hearing to be held March 19, 2008. Mr. Schroeder did not respond to the notice. This decision is based on information in Agency benefit payment records and decision records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Derek D. Schroeder received unemployment insurance benefits in the gross amount of \$739.00 for the three weeks ending November 24, 2007. The fact-finding decision disqualifying him for benefits has been affirmed in appeal decision 08A-UI-02195-AT.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Schroeder must repay the benefits he has received. Iowa Code section 96.3-7 requires that benefits paid in error be repaid to the Agency. The evidence in this record establishes that Mr. Schroeder has received the benefits in question for weeks during which he was disqualified from receiving benefits because of the circumstances surrounding his separation from employment. Therefore, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated February 21, 2008, reference 06, is affirmed. The claimant has been overpaid by \$739.00 for the three weeks ending November 24, 2007.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/kjw