

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONYA N KIMBALL**  
Claimant

**APPEAL NO. 06A-UI-11815-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/15/06 R: 02**  
**Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Tonya N. Kimball filed a timely appeal from an unemployment insurance decision dated December 4, 2006, reference 02, that ruled that she had been overpaid by \$694.00 for the two weeks ending November 25, 2006. Due notice was issued for a telephone hearing to be held December 27, 2006. This matter is considered on a consolidated record with 06A-UI-11814-AT.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The claimant has received unemployment insurance benefits in the gross amount of \$694.00 for the two weeks ending November 25, 2006. The fact-finding decision disqualifying her 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. Kimball must repay the unemployment insurance benefits in question. She need not do so. Iowa Code section 96.3-7 requires that benefits be repaid if, and only if, they were paid in error. The evidence establishes that Ms. Kimball is entitled to the benefits. Therefore, they need not be repaid.

**DECISION:**

The unemployment insurance decision dated December 4, 2006, reference 02, is reversed.  
The claimant has not been overpaid for the two weeks ending November 25, 2006.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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