

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L ADAMS
Claimant

APPEAL NO. 08A-UI-10682-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/03/08 R: 02
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Tracy L. Adams filed a timely appeal from an unemployment insurance decision dated October 29, 2008, reference 02, that ruled she had been overpaid \$5,205.00 in unemployment insurance benefits for the period July 6, 2008 through October 18, 2008. After due notice was issued, a telephone hearing was held December 3, 2008 with Ms. Adams participating. This matter is considered on a consolidated record with 08A-UI-10681-AT.

ISSUE:

Has the claimant been overpaid?

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: The fact-finding decision disqualifying Tracy L. Adams from receiving unemployment insurance 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. Adams must repay the benefits she has received for the 14 weeks ending October 18, 2008. 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. Since the disqualifying fact-finding decision has been reversed, it necessarily follows that Ms. Adams need not repay the benefits that she rightfully has received.

DECISION:

The unemployment insurance decision dated October 29, 2008, reference 02, is reversed. The claimant has not been overpaid.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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