IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

KELVIN T LONG
Claimant

APPEAL NO. 10A-EUCU-00948-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT**

OC: 12/07/08
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Kelvin T. Long filed a timely appeal from an unemployment insurance decision dated October 5, 2010, reference 06, that ruled he had been overpaid emergency unemployment compensation in the gross amount of $772.00 for the six weeks ending August 7, 2010. Due notice was issued for a telephone hearing to be held November 13, 2010. Mr. Long did not provide a telephone number at which he could be contacted. This decision is based on Agency benefit payment records and overpayment records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Kelvin T. Long received emergency unemployment compensation in the gross amount of $772.00 for the six weeks ending August 7, 2010. The fact-finding decision holding him ineligible for these benefits has been affirmed by the administrative law judge's decision in 10A-EUCU-00947-AT. As of the date of this decision, the remaining balance of the overpayment was $114.00.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid by the Agency in error be repaid, even if the individual who received the benefits is not at fault for the overpayment. The evidence here shows that the claimant received emergency unemployment compensation for weeks that he should have been receiving state unemployment insurance benefits. Therefore, the emergency unemployment compensation must be recovered. The record shows that all but $114.00 has been recovered.

DECISION:

The unemployment insurance decision dated October 5, 2010, reference 06, is affirmed. The claimant was overpaid $772.00 for the six weeks ending August 7, 2010. The remaining balance is $114.00.

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Dan Anderson
Administrative Law Judge

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Decision Dated and Mailed

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