

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CINDY K DAILEY Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 08A-UI-09447-AT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 09/14/08 R: 01 Claimant: Appellant (2)</div>
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Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Cindy K. Dailey filed a timely appeal from an unemployment insurance decision dated October 15, 2008, reference 02, that ruled she had been overpaid unemployment insurance benefits in the amount of \$615.00 for the three weeks ending October 4, 2008, because of a fact-finding decision dated October 8, 2008, that denied benefits to her. After due notice was issued, a telephone hearing was held October 29, 2008, with Ms. Dailey participating. This matter is considered on a consolidated record with 08A-UI-09446-AT.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits?

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: In the companion decision, the administrative law judge has reversed the fact-finding decision that denied benefits to Cindy K. Dailey.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid to the Agency if they were paid in error. Since Ms. Dailey was entitled to receive the benefits, it necessarily follows that she need not repay them.

DECISION:

The unemployment insurance decision dated October 15, 2008, reference 02, is reversed. The claimant has not been overpaid unemployment insurance benefits for the three weeks ending October 4, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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