

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL E SOARD**  
Claimant

**APPEAL NO. 09A-UI-05115-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/01/09**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Michael E. Soard filed a timely appeal from an unemployment insurance decision dated March 24, 2009, reference 02, that ruled he had been overpaid \$2,166.00 for the six weeks ending March 14, 2009 for benefits paid in a benefit year that had begun on February 1, 2009. After due notice was issued, a telephone hearing was held April 27, 2009 with Mr. Soard participating. This matter is considered on a consolidated record with 09A-UI-05114-AT. The administrative law judge takes official notice of Agency benefit payment records and overpayment records.

**ISSUE:**

Was the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all matters of record, the administrative law judge finds: Michael E. Soard filed a claim for unemployment insurance benefits effective February 1, 2009. He received unemployment insurance benefits totaling \$2,166.00 for the six weeks ending March 14, 2009. The February 1, 2009 benefit year was cancelled because of the existence of a benefit year for Mr. Soard from the state of Florida, a benefit year that did not expire until February 9, 2009. The Agency re-established a benefit year for Mr. Soard effective February 8, 2009 and reissued benefits to him for his new benefit year.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Soard was overpaid unemployment insurance benefits during his benefit year beginning February 1, 2009. He was overpaid because the Agency should not have opened the benefit year that week. The Agency has established a benefit year for Mr. Soard effective February 8, 2009 and has reissued the benefits during that benefit year. The net fact is that the claimant owes the Agency no money at this time.

**DECISION:**

The unemployment insurance decision dated March 24, 2009, reference 02, is affirmed. The claimant was overpaid unemployment insurance benefits initially because they were paid pursuant to a benefit year that was cancelled. The claimant owes the Agency no money at this time because the benefits have been reissued after the beginning of a benefit year on February 8, 2009.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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