

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BRIAN W BROWN
1258 US HWY 169
TINGLEY IA 50863

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-06640-AT
OC: 05-16-04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Brian W. Brown filed a timely appeal from an unemployment insurance decision dated June 7, 2004, reference 03, which ruled that he had been overpaid by \$82.00 for the week ending May 22, 2004 because of an earlier fact-finding decision holding him ineligible for benefits for that week. After due notice was issued, a telephone hearing was held July 19, 2004 with Mr. Brown participating. This matter is considered on a consolidated record with 04A-UI-06639-AT. The administrative law judge takes official notice of Agency benefit payment records.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all matters of record, the administrative law judge finds: Brian W. Brown received unemployment insurance benefits totaling \$82.00 for the week ending May 22, 2004. The decision holding him ineligible for those benefits has been affirmed by the administrative law judge's decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Brown must repay the \$82.00 he received for the week ending May 22, 2004. He must.

Iowa Code Section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who has received the erroneous payment is not at fault. The evidence here establishes that Mr. Brown received unemployment insurance benefits for a week for which he was not eligible. Under these circumstances, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated June 7, 2004, reference 03, is affirmed. The claimant has been overpaid by \$82.00 for the week ending May 22, 2004.

tjc/tjc