

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERALD L MCCLARAN
Claimant

APPEAL NO. 10A-UI-14605-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/14/10
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Jerald L. McClaran filed an appeal from an unemployment insurance decision dated September 17, 2010, reference 05, that ruled he had been overpaid \$9,517.97 for the 23 weeks ending August 24, 2010, because of an earlier decision holding him ineligible for state unemployment insurance benefits for a second benefit year. After due notice was issued, a telephone hearing was held November 27, 2010, with Mr. McClaran participating. This matter is considered on a consolidated record with appeals 10A-EUCU-00976-AT, 10A-EUCU-01124-AT, and 10A-EUCU-00977-AT. The administrative law judge takes official notice of Agency overpayment records.

ISSUE:

Does the administrative law judge have jurisdiction to rule on the merits of this case?

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 decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by September 27, 2010, or received by the Agency by that date. The appeal was filed on September 29, 2010. As of the date of the hearing, the remaining balance of the overpayment was \$4,644.47.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the administrative law judge has jurisdiction to rule on the merits of this case. For the reasons set forth in decision 10A-EUCU-00976-AT, the administrative law judge concludes that he does not. The administrative law judge notes that the remaining balance as of the date of this hearing was \$4,644.47.

DECISION:

The unemployment insurance decision dated September 17, 2010, reference 05, is affirmed. The claimant was overpaid in the gross amount of \$9,517.97. The remaining balance as of the date of the hearing in this matters was \$4,644.47.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw