

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIRK D RICH
Claimant

APPEAL NO. 10A-UI-06485-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY
Employer

**Original Claim: 01/03/10
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Dirk D. Rich filed an appeal from an unemployment insurance decision dated March 16, 2010, reference 02, that ruled he had been overpaid unemployment insurance benefits in the gross amount of \$378.00 for the week ending January 9, 2010, because of a fact-finding decision holding him ineligible for benefits for that week. After due notice was issued, a telephone hearing was held May 21, 2010, with Mr. Rich participating. This matter is considered on a consolidated record with Appeal No. 10A-UI-06484-AT. The administrative law judge takes official notice Agency benefit payment records.

ISSUES:

Has the claimant filed a timely appeal?

Has the claimant been overpaid?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: The findings of fact relating to the timing of the claimant's appeal in the companion decision are incorporated herein by reference.

Mr. Rich received unemployment insurance benefits in the gross amount of \$378.00 for the week ending January 9, 2010. One hundred dollars in unemployment insurance benefits were offset for the week ending April 17, 2010, to apply to the overpayment. The companion decision reverses the fact-finding decision holding Mr. Rich ineligible for benefits for the week ending January 9, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated in the companion decision, the administrative law judge concludes that the claimant's appeal can be accepted as timely. The administrative law judge has jurisdiction on the merits of this case.

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid to the Agency if, and only if, they were paid in error. Since Mr. Rich was eligible to receive the benefits in question, it necessarily follows that he need not repay them. Since \$100.00 in benefits otherwise payable to Mr. Rich was withheld for the week ending April 17, 2010, the Agency must repay him for the offset.

DECISION:

The unemployment insurance decision dated March 16, 2010, reference 02, is reversed. The claimant has not been overpaid for the week ending January 9, 2010. The Agency shall repay the claimant \$100.00 in benefits offset for the week ending April 17, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw