

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

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IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-06617-AT  
OC: 04-25-04 R: 03  
Claimant: Appellant (2)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Elmer B. Griffith filed a timely appeal from an unemployment insurance decision dated June 11, 2004, reference 05, which ruled that he had been overpaid by \$180.00 for the week ending June 5, 2004 because of a decision dated June 10, 2004 denying benefits to him upon a finding that he had failed to participate in reemployment services. Due notice was issued for a telephone hearing to be held June 6, 2004. Taking official notice of Agency benefit payment records and decision records, the administrative law judge concludes that no additional evidence is required.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Elmer B. Griffith received unemployment insurance benefits in the gross amount of \$180.00 for the week ending June 5, 2004. The fact-finding decision denying benefits to him has been reversed by the administrative law judge's decision 04A-UI-06616-AT and has also been superceded by a later fact-finding decision.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Griffith must repay the benefits in question. He need not do so.

Iowa Code Section 96.3-7 requires that unemployment insurance benefits be repaid if, and only if, they were paid in error. Since the decision holding Mr. Griffith ineligible for the benefits in question has been reversed, it necessarily follows that he was entitled to receive the benefits in question and that they need not be repaid.

DECISION:

The unemployment insurance decision dated June 11, 2004, reference 05, is reversed. The claimant has not been overpaid for the week ending June 5, 2004.

tjc/tjc