

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOI N SON
Claimant

APPEAL NO. 10A-UI-06359-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY
Employer

OC: 01/03/10
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Hoi N. Son filed an appeal from an unemployment insurance decision dated March 23, 2010, reference 02, that ruled he had been overpaid unemployment insurance benefits in the gross amount of \$387.00 for the week ending January 9, 2010. After due notice was issued, a telephone hearing was held on June 10, 2010. This matter is considered on a consolidated record with 10A-UI-06358-AT.

ISSUES

Has the claimant filed a timely appeal?

Has the claimant been overpaid?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: In companion decision 10A-UI-06358-AT this administrative law judge has ruled that the claimant's appeal can be accepted as timely and that the vacation pay received from the employer was not intended to be attributed to the week ending January 9, 2010. The claimant received unemployment insurance benefits in the gross amount of \$387.00 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 appeal can be accepted as timely. Since the vacation pay was not intended to be attributed to the week ending January 9, 2010, the claimant was entitled to receive unemployment insurance benefits for that week. Therefore, he has not been overpaid.

DECISION:

The unemployment insurance decision dated March 23, 2010, reference 02, is reversed. The claimant has not been overpaid for the week ending January 9, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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