

**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**

**BRYAN A HACKER
2045 INDIAN WAY
OSKALOOSA IA 52577**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03448-AT
OC: 12-07-03 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 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Bryan A. Hacker filed an appeal from an unemployment insurance decision dated March 12, 2004, reference 04, which ruled that he had been overpaid by \$299.00 for the week ending January 17, 2004. Due notice was issued for a telephone hearing to be held April 9, 2004. Bryan A. Hacker participated on his own behalf.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which Bryan A. Hacker has appealed states that it would become final unless an appeal was postmarked by March 22, 2004 or received by the Agency by that date. Mr. Hacker filed his

appeal by mail. The envelope in which the appeal is contained was postmarked March 24, 2004, two days after the end of the appeal period. The letter does not offer any explanation for the tardy appeal. The benefits in question have been recovered by withholding Mr. Hacker's benefits for the week ending March 13, 2004.

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 contained in the companion decision, 04A-UI-03447-AT, the administrative law judge concludes that he does not. The administrative law judge notes that the overpayment in question has been recovered. Mr. Hacker owes nothing to the Agency at this time.

DECISION:

The unemployment insurance decision dated March 12, 2004, reference 04, has become final. The claimant was overpaid by \$299.00 for the week ending January 17, 2004. The overpayment has been recovered.

tjc/b