

**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**

**JESSICA A MESECK
604 SOUTH ST
SHELBY IA 51570**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-05115-AT
OC: 04-24-05 R: 01
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 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Jessica A. Meseck filed a timely appeal from an unemployment insurance decision dated May 16, 2005, reference 04, which ruled that she had been overpaid by \$322.00 for the week ending May 7, 2005. After due notice was issued, a telephone hearing was held on June 17, 2005 with Marty West, Jr. participating for the claimant. The administrative law judge takes official notice of agency benefit payment records and decision records.

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: Jessica A. Meseck received unemployment insurance benefits in the gross amount of \$322.00 for the week ending May 7, 2005. The fact-finding decision holding her ineligible for unemployment insurance benefits for that week has been affirmed by the administrative law judge's decision 05A-UI-05112-AT. Ms. Meseck was eligible for unemployment insurance benefits for the week ending May 21, 2005. The agency withheld those benefits to offset the benefits paid for the week ending May 7, 2005.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant has been overpaid. The administrative law judge concludes that she was overpaid for the week ending May 7, 2005 but that the overpayment has been recovered.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the agency even if the claimant has acted in good faith and is not at fault for the overpayment. The evidence in this record persuades the administrative law judge that Ms. Meseck received benefits to which she was not entitled for the week ending May 7, 2005. Thus, the overpayment is affirmed. The administrative law judge also concludes that the overpayment has been recovered through the offset of benefits for the week ending May 21, 2005. Ms. Meseck owes nothing to the agency at this time.

DECISION:

The unemployment insurance decision dated May 16, 2005, reference 04, is affirmed. The claimant was overpaid for the week ending May 7, 2005. The overpayment has been recovered.

pjs/pjs