

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA K HESSELTINE**  
Claimant

**APPEAL NO. 10A-UI-06557-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY**  
Employer

**OC: 12/27/09**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Rhonda K. Hesseltine filed an appeal from an unemployment insurance decision dated March 24, 2010, reference 02, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$399.00 for the week ending January 9, 2010 upon a finding that she had incorrectly reported vacation pay with IAC Iowa City. After due notice was issued, a telephone hearing was held May 21, 2010 with Ms. Hesseltine participating. Teresa Feldman participated for IAC Iowa City. This matter is considered on a consolidated record with Appeal Number 10A-UI-06556-AT. The administrative law judge takes official notice of Agency benefit payment records.

**ISSUES:**

Has the claimant been overpaid?

Is the appeal timely?

**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: Rhonda K. Hesseltine received unemployment insurance benefits in the gross amount of \$399.00 for the week ending January 9, 2010. She has repaid those benefits to the Agency. The findings of fact concerning the timing of the filing of the appeal contained in the companion decision are incorporated herein by reference.

**REASONING AND CONCLUSIONS OF LAW:**

The reasoning and conclusions of law concerning the timeliness of the appeal contained in the companion decision are incorporated herein by reference. The administrative law judge concludes that the appeal can be accepted as timely.

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 the claimant was entitled to receive the benefits for the week ending January 9, 2010 and has already repaid them, the Agency must reimburse her.

**DECISION:**

The unemployment insurance decision dated March 24, 2010, reference 02, is reversed. The claimant has not been overpaid for the week ending January 9, 2010. The Agency shall reimburse her since she has repaid the benefits in response to the fact-finding decision that is hereby reversed.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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