

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELIZABETH VERDINEZ**  
Claimant

**APPEAL NO. 10A-UI-06365-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY LLC**  
Employer

**Original Claim: 01/11/09  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Elizabeth Verdinez filed an appeal from an unemployment insurance decision dated February 9, 2010, reference 02, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$622.00 for the two weeks ending January 9, 2010. After due notice was issued, a telephone hearing was held May 18, 2010, with Ms. Verdinez participating. Teresa Feldman participated for the employer, IAC Iowa City. This matter is considered on a consolidated record with Appeal No. 10A-UI-06364-AT.

**ISSUES:**

Has the claimant filed a timely appeal?

Was the claimant overpaid?

**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: The administrative law judge's findings of fact concerning the timing of the filing in the appeal contained the companion decision are incorporated herein by reference. The claimant received unemployment insurance benefits for the two weeks ending January 9, 2010, but has repaid those benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons stated in the companion decision, the administrative law judge concludes that the claimant's appeal can be accepted as timely. Iowa Code section 96.3-7 requires that benefits be repaid if, and only if, they were paid in error. Since the claimant was entitled to receive the benefits in question, it necessarily follows that they need not be repaid. Since they have been repaid, the Agency must reimburse the claimant.

**DECISION:**

The unemployment insurance decision dated February 9, 2010, reference 02, is reversed. The claimant was not overpaid unemployment insurance benefits in the amount of \$622.00 for the two weeks ending January 9, 2010. The Agency shall reimburse the claimant for the benefits that she has already repaid.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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