

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RYAN J MITCHELL**  
Claimant

**APPEAL NO. 11A-UI-14688-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/14/09**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Ryan J. Mitchell filed an appeal from an unemployment insurance decision dated June 8, 2011, reference 06, that ruled he had been overpaid unemployment insurance benefits for the three weeks ending December 5, 2009. After due notice was issued, a telephone hearing was held on a consolidated record with 11A-UI-14687-AT on December 19, 2011.

**ISSUES:**

Has the claimant filed a timely appeal?

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Ryan J. Mitchell received unemployment insurance benefits totaling \$552.00 for the three weeks ending December 5, 2009. The fact-finding decision disqualifying him for benefits has been reversed by the administrative law judge's decision in the companion case. Mr. Mitchell did not receive the fact-finding decision dated June 8, 2011 because it was mailed to a previous address. He promptly filed an appeal after he received a later billing notice.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons stated in the companion decision, the administrative law judge concludes that he has jurisdiction to rule on the merits of this case.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid if, and only if, the individual who received the benefits was not entitled to receive them. The companion decision rules that Mr. Mitchell was entitled to receive the benefits in question. They need not be repaid.

**DECISION:**

The unemployment insurance decision dated June 8, 2011, reference 06, is reversed. The claimant has not been overpaid for the three weeks ending December 5, 2009.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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