

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

JERRY J FREEMAN
718 – 4TH AVE
SHELDON IA 51201

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-10653-AT
OC: 09-05-04 R: 01
Claimant: Appellant (4)

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 of Benefits

STATEMENT OF THE CASE:

Jerry J. Freeman filed a timely appeal from an unemployment insurance decision dated October 4, 2004, reference 02, which ruled that he had been overpaid \$310.00 for the week ending September 18, 2004 for incorrectly reporting severance pay from Ag Processing, Inc. After due notice was issued, a telephone hearing was held October 22, 2004 with Mr. Freeman participating. This matter is considered on a consolidated record with 04A-UI-10652-AT. The administrative law judge takes official notice of Agency benefit payment 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: Jerry J. Freeman received unemployment insurance benefits in the gross amount of \$310.00 for the week ending September 18, 2004. In the companion decision, this administrative law judge allowed benefits to Mr. Freeman effective October 10, 2004. Mr. Freeman has filed a claim for that week but benefits were not paid. The administrative law judge's decision denied benefits to Mr. Freeman for the week ending September 18, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Freeman must repay the benefits he received for the week ending September 18, 2004. The administrative law judge concludes that Mr. Freeman need not do so because of the offsetting underpayment of benefits for the week ending October 16, 2004. This effectively offsets the prior premature payment of benefits.

DECISION:

The unemployment insurance decision dated October 4, 2004, reference 02, is modified. The claimant was overpaid \$310.00 for the week ending September 18, 2004 but has been underpaid \$310.00 for the week ending October 16, 2004. He owes nothing to the Agency at this time.

tjc/tjc