

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

PHILLIP J TEMPLETON  
19833 – 168<sup>TH</sup> AVE  
MYSTIC IA 52574

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-06600-AT  
OC: 05-09-04 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Phillip J. Templeton filed a timely appeal from an unemployment insurance decision dated June 7, 2004, reference 05, which ruled that he had been overpaid \$298.00 for the week ending May 22, 2004. After due notice was issued, a telephone hearing was held July 9, 2004 with Mr. Templeton participating. This matter is considered on a consolidated record with 04A-UI-06599-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: Phillip J. Templeton received unemployment insurance benefits in the gross amount of \$298.00 for the week ending May 22, 2004. The decision holding him ineligible for the entire amount has been modified by the administrative law judge's decision in the companion case. That decision has ruled that Mr. Templeton is entitled to \$67.00 in unemployment insurance benefits.

The Agency withheld \$298.00 in benefits from Mr. Templeton for the week ending May 29, 2004 as a result of the earlier overpayment decision. The Agency now owes Mr. Templeton \$67.00.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Templeton must repay the benefits in question. Iowa Code Section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency. The evidence here establishes that Mr. Templeton received \$231.00 more than he should have received for the week in question but that the Agency has recovered \$298.00 in benefits. It now must return \$67.00 to Mr. Templeton.

DECISION:

The unemployment insurance decision dated June 7, 2004, reference 05, is modified. The claimant was overpaid by \$231.00 for the week ending May 22, 2004. The Agency has withheld \$231.00 in subsequent benefits and another \$67.00 which it now must return to the claimant.

tjc/b