

**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**

**SO PHAM
4012 N ELSIE AVE
DAVENPORT IA 52806**

**WEST LIBERTY FOODS
DBA IOWA TURKEY GROWERS COOP
PO BOX 318
WEST LIBERTY IA 52776**

**Appeal Number: 04A-UI-06527-AT
OC: 11-23-03 R: 04
Claimant: Appellant (1)**

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:

So Pham filed an appeal from an unemployment insurance decision dated March 17, 2004, reference 02, which ruled that he had been overpaid \$194.00 for the week ending March 6, 2004 because he failed to report wages earned with Iowa Turkey Growers Coop. After due notice was issued, a telephone hearing was held June 29, 2004 with the claimant participating. The employer did not respond to the hearing notice. Oudone Kouangvongthien served as interpreter.

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: So Pham received unemployment insurance benefits in the gross amount of \$322.00 for the week ending March 6, 2004. He inadvertently forgot to report \$274.00 in earnings that week. Had he done so, he would have received unemployment insurance benefits in the gross amount of \$128.00. The claimant has repaid the excess \$194.00 he received.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant was overpaid. He was. His testimony establishes that he forgot to report wages for the week in question while he was partially unemployed. The record also establishes that he has repaid the excess benefits he received and owes nothing at this time. The provisions of Iowa Code Section 96.3-7 have been met.

DECISION:

The unemployment insurance decision dated March 17, 2004, reference 02, is affirmed. The claimant was overpaid by \$194.00 for the week ending March 6, 2004. The amount has been repaid and the claimant owes nothing at this time.

tjc/tjc