

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DOUGLAS L BIRKENHOLZ**  
Claimant

**APPEAL NO. 11A-UI-08377-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/21/10**  
**Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Douglas L. Birkenholz filed a timely appeal from an unemployment insurance decision dated June 14, 2011, reference 02, that ruled he had been overpaid unemployment insurance benefits as a result of a fact-finding decision dated March 21, 2011, that disqualified him for benefits. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required. The administrative law judge takes official notice of Agency decision records.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

The fact-finding decision disqualifying Douglas L. Birkenholz from receiving unemployment insurance benefits was reversed by Administrative Law Judge Decision 11A-UI-03753-DT on June 27, 2011. The administrative law judge's decision has not been appealed.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant has been overpaid. He has not.

Iowa Code section 96.3-7 requires that benefits be repaid to the Agency if, and only if, they were paid in error. The evidence here establishes that the claimant was entitled to receive the benefits paid to him. He need not repay them.

**DECISION:**

The unemployment insurance decision dated June 14, 2011, reference 02, is reversed. The claimant has not been overpaid.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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