

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD L VACEK
Claimant

APPEAL NO. 10A-UI-06551-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY
Employer

OC: 01/03/10
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from an unemployment insurance decision dated February 9, 2010, reference 02, that ruled the claimant had been overpaid unemployment insurance benefits in the amount of \$579.00 for the two weeks ending January 16, 2010, because of a fact-finding decision holding the claimant ineligible for those benefits. After due notice was issued, a telephone hearing was held May 24, 2010, with the claimant participating. This matter is considered on a consolidated record with Appeal No. 10A-UI-06550-AT.

ISSUE:

Has the claimant filed a timely appeal?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by February 19, 2010, or received by the Agency by that date. The appeal was filed on February 28, 2010. The claimant had received the decision in time to file a timely appeal.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the administrative law judge has jurisdiction to rule on the merits of this case. For the reasons stated in the companion decision, the administrative law judge concludes that he does not.

DECISION:

The unemployment insurance decision dated February 9, 2010, reference 02, has become final. The claimant has been overpaid \$579.00 for the two weeks ending January 16, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs