

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYLE E HORTON JR
Claimant

APPEAL NO. 11A-EUCU-00266-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/28/09
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Lyle E. Horton, Jr. filed a timely appeal from an unemployment insurance decision dated March 8, 2011, reference 03, that ruled he had been overpayment \$1,504.00 in unemployment insurance benefits for the four weeks ending August 1, 2009. After due notice was issued, a telephone hearing was held March 28, 2011 on a consolidated record with 11A-EUCU-00265-AT. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

Has the claimant been overpaid?

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: Lyle E. Horton, Jr. received unemployment insurance benefits for the four weeks ending August 1, 2009. The fact-finding decision holding him ineligible for those benefits has been reversed by the administrative law judge's decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 requires that unemployment insurance benefits be repaid if, and only if, they were paid in error. Since Mr. Horton was entitled to receive the benefits to him, it necessarily follows that they need not be repaid.

DECISION:

The unemployment insurance decision dated March 8, 2011, reference 03, is reversed. The claimant has not been overpaid for the four weeks ending August 1, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs