

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN P SCHUELLER
Claimant

APPEAL NO. 09A-UI-00600-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/02/08 R: 02
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Brian P. Schueller filed a timely appeal from an unemployment insurance decision dated January 12, 2009, reference 04, that ruled he had been overpaid \$375.00 in unemployment insurance benefits for the week ending December 6, 2008. After due notice was issued, a telephone hearing was held January 29, 2009 with Mr. Schueller participating. This matter is considered on a consolidated record with Appeals 09A-UI-00598-AT and 09A-UI-00599-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: Brian P. Schueller received unemployment insurance benefits in the gross amount of \$375.00 for the week ending December 6, 2008. In decision 09A-UI-00599-AT this administrative law judge has ruled that the claimant was entitled to receive benefits for that week as well as for several other weeks. The Agency withheld benefits from Mr. Schueller the week ending January 10, 2009 to offset the benefits paid to him for the week ending December 6, 2008.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Schueller has been overpaid for the week ending December 6, 2008. He has not.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency. From the evidence in this record the administrative law judge concludes that Mr. Schueller was eligible for benefits for the week ending December 6, 2008. He has not been overpaid. The Agency must refund to him the benefits withheld for the week ending January 10, 2009.

DECISION:

The unemployment insurance decision dated January 12, 2009, reference 04, is reversed. The claimant has not been overpaid for the week ending December 6, 2008. The Agency must pay to him the benefits it withheld for the week ending January 10, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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