

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHEN B THARP
Claimant

APPEAL NO. 12A-UI-04695-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/29/12
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Stephen B. Tharp filed a timely appeal from an unemployment insurance decision dated April 17, 2012, reference 03, that ruled he had been overpaid unemployment insurance benefits for the nine weeks ending March 31, 2012 because of an earlier fact-finding decision that disqualified him for benefits following his separation from employment with Community Mental Health Center of Mideastern Iowa. After due notice was issued, a hearing was held in Cedar Rapids, Iowa on May 16, 2012 on a consolidated record with 12A-UI-03991-A.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Stephen B. Tharp received unemployment insurance benefits for the nine weeks ending March 31, 2012. The fact-finding decision disqualifying him for benefits has been reversed by the administrative law judge decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid if, and only if, they were paid in error. The evidence shows that Mr. Tharp received the benefits. The decision holding him ineligible has been reversed. Therefore, the benefits need not be repaid.

DECISION:

The unemployment insurance decision dated April 17, 2012, reference 03, is reversed. The claimant has not been overpaid.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs