

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JACK A. HUTCHCROFT
APT #3
190 RIDGE DR
MARION IA 52302**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-06930-AT
OC: 12-26-04 R: 03
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Jack A. Hutchcroft filed a timely appeal from an unemployment insurance decision dated June 24, 2005, reference 03, which ruled that he had been overpaid by \$310.00 for the week ending June 18, 2005. Before a hearing could be scheduled in this matter, the administrative law judge received information which has caused him to reverse the fact-finding decision denying benefits to Mr. Hutchcroft and setting up the overpayment. The administrative law judge takes official notice of agency benefit payment records, hearing records and decision records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Jack A. Hutchcroft received unemployment insurance benefits in the gross amount of \$310.00 for the week ending June 18, 2005. The fact-finding decision disqualifying him for those benefits has been reversed by the administrative law judge's decision 05A-UI-06929-AT.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Hutchcroft must repay the benefits he has received for the week ending June 18, 2005. He need not do so. Iowa Code section 96.3-7 requires that benefits be repaid if, and only if, they were paid in error. Since the fact-finding decision establishing the overpayment has been reversed, it necessarily follows that Mr. Hutchcroft need not repay the benefits in question.

DECISION:

The unemployment insurance decision dated June 24, 2005, reference 03, is reversed. The claimant has not been overpaid for the week ending June 18, 2005.

pjs/pjs