

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDRA E PENA**  
Claimant

**APPEAL NO. 10A-EUCU-00358-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY**  
Employer

**OC: 11/30/08**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Sandra E. Pena filed an appeal from an unemployment insurance decision dated March 16, 2010, reference 02, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$408.00 for the week ending January 9, 2010. After due notice was issued, telephone hearing was held May 17, 2010 with the claimant participating. Teresa Feldmann participated for the employer, IAC Iowa City. This matter is considered on a consolidated record with 10A-EUCU-00357-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 Sandra E. Pena has appealed states that it would become final unless an appeal was postmarked by March 26, 2010 or received by the Agency by that date. Before March 26, 2010, the claimant had repaid the amount of the overpayment. The decision had been read for her.

**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 has no jurisdiction to rule on the merits of this case because the appeal was untimely. The unemployment insurance decision dated March 16, 2010, reference 02, has become final. The claimant was overpaid \$408.00 for the week ending January 9, 2010. The overpayment has been recovered.

**DECISION:**

The unemployment insurance decision dated March 16, 2010, reference 02, has become final. The claimant is not eligible for benefits for the week ending January 9, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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