

**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**

**SETH OSLER  
503 S CHESTNUT  
GLENWOOD IA 51534**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-11311-AT  
OC: 10-02-05 R: 01  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Seth Osler filed a timely appeal from an unemployment insurance decision dated November 1, 2005, reference 03, which ruled that he had been overpaid by \$324.00 for the two weeks ending October 15, 2005. After due notice was issued, a telephone hearing was held November 15, 2005 with Mr. Osler participating. This matter is considered on a consolidated record with 05A-UI-11310-AT. The administrative law judge takes official notice of Agency benefit payment records.

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: Seth Osler received unemployment insurance benefits in the gross amount of \$324.00 for the two weeks ending October 15, 2005. Although the fact-finding decision has been modified by the administrative law judge's decision in the companion case, the modification did not allow benefits to Mr. Osler.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Osler must repay the benefits he has received. He must. Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid. The evidence in this record establishes both that Mr. Osler received the benefits in question but that the disqualification remains in effect. Therefore, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated November 1, 2005, reference 03, is affirmed. The claimant has been overpaid by \$324.00 for the two weeks ending October 15, 2005.

kkf/kjw