

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD R LINDENFELSER
Claimant

APPEAL NO. 08A-UI-09325-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/07/08 R: 02
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Donald R. Lindenfelser filed an appeal from an unemployment insurance decision dated September 30, 2008, reference 02, that ruled he had been overpaid unemployment insurance benefits in the amount of \$818.00 for the two weeks ending September 20, 2008. After due notice was issued, a telephone hearing was held October 28, 2008 with Mr. Lindenfelser participating. This matter is considered on a consolidated record with 08A-UI-09324-AT.

ISSUE:

Has the claimant filed a timely appeal?

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: The decision from which Donald R. Lindenfelser has appealed states that it would become final unless an appeal was postmarked by October 10, 2008 or received by the Agency by that date. Mr. Lindenfelser filed his appeal by mail in an envelope postmarked October 14, 2008. Mr. Lindenfelser had been away from home, working in the Chicago area.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated in companion decision 08A-UI-09324-AT, the administrative law judge concludes that he has no jurisdiction to rule on the merits of this case because the claimant has not filed a timely appeal.

DECISION:

The unemployment insurance decision dated September 30, 2008, reference 02, has become final and remains in effect. The claimant has been overpaid by \$818.00 for the two weeks ending September 20, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs