

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES H WIKLE
Claimant

APPEAL NO. 10A-UI-16535-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/21/09
Claimant: Appellant (4)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

James H. Wikle filed a timely appeal from an unemployment insurance decision dated December 1, 2010, reference 02, that ruled he had been overpaid unemployment insurance benefits in the gross amount of \$449.00 for the two weeks ending July 4, 2009. After due notice was issued, a telephone hearing was held December 21, 2010 with Mr. Wikle participating. This matter is considered on a consolidated record with 10A-UI-16534-AT. The administrative law judge also takes official notice of agency benefit payment records.

ISSUE:

Has the claimant been overpaid for the two weeks ending July 4, 2009?

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: James H. Wikle received unemployment insurance benefits in the gross amount of \$389.00 for the week ending June 27, 2009. The administrative law judge's decision in the companion case denied unemployment insurance benefits to Mr. Wikle for that week. It also found that none of the vacation pay should be attributed to the week ending July 4, 2009. Sixty dollars of the overpayment at issue in this case is attributed to the week ending July 4, 2009.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant has been overpaid for the two weeks ending July 4, 2009. For the reasons that follow, the administrative law judge concludes that while the claimant was overpaid for the week ending June 27, 2009, he was entitled to receive all benefits paid to him for the week ending July 4, 2009.

Iowa Code § 96.3-7 requires that benefits paid in error be repaid. The evidence in this record establishes that Mr. Wikle received benefits for the week ending June 27, 2009 that he should

not have received. However, he need not repay any of the benefits that he received for the following week, the week ending July 4, 2009.

DECISION:

The unemployment insurance decision dated December 1, 2010, reference 02, is modified. The claimant has been overpaid \$389.00 for the week ending June 27, 2009. He has not been overpaid for the week ending July 4, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs