

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

DAVID D STONER
601 SOUTH ST
FAIRBANK IA 50629

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-05022-AT
OC: 12-14-03 R: 03
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, 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 of Benefits

STATEMENT OF THE CASE:

David D. Stoner filed a timely appeal from an unemployment insurance decision dated April 22, 2004, reference 03, which ruled that he had been overpaid by \$1,244.00 for the four weeks ending April 17, 2004. Due notice was issued for a telephone hearing to be held May 24, 2004. Mr. Stoner did not provide a telephone number at which he could be contacted. This decision is based on information in the administrative file, Agency benefit payment records and Agency decision records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: David Stoner received unemployment insurance benefits in the gross amount of \$1,244.00 for the four weeks ending April 17, 2004. In decision 04A-UI-05021-AT this administrative law judge has ruled that Mr. Stoner was not eligible for unemployment insurance benefits for those weeks.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Stoner must repay the benefits in question. He must. Iowa Code Section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency. The evidence in this record establishes that Mr. Stoner received the benefits in question and that he was ineligible for benefits for those four weeks. Therefore, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated April 22, 2004, reference 03, is affirmed. The claimant has been overpaid \$1,244.00 for the four weeks ending April 17, 2004.

tjc/b