

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KE T TRUONG
Claimant

APPEAL NO. 10A-EUCU-00390-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY
Employer

**Original Claim: 12/07/08
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Ke T. Truong filed an appeal from an unemployment insurance decision dated March 16, 2010, reference 02, that ruled he had been overpaid \$400.00 in unemployment insurance benefits for the week ending January 9, 2010, because of a separate fact-finding decision that ruled he was not entitled to receive benefits that week because of his receipt of vacation pay. After due notice was issued, a telephone hearing was held June 29, 2010. This matter is considered on a consolidated record with 10A-EUCU-00389-AT.

ISSUES:

Has the claimant filed a timely appeal?

Has the claimant been overpaid?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: In the companion decision, this administrative law judge has ruled that Ke T. Truong was entitled to receive unemployment insurance benefits for the week ending January 9, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth in the companion decision, the administrative law judge concludes that he has jurisdiction to rule on the merits of this case. According to Iowa Code section 96.3-7, unemployment insurance benefits must be repaid to the Agency if, and only if, they were paid in error. Since Mr. Truong was entitled to receive the benefits in question, it necessarily follows that he need not repay them. The Agency shall repay the claimant for the unemployment insurance benefits offset for the week ending March 20, 2010.

DECISION:

The unemployment insurance decision dated March 16, 2010, reference 02, is reversed. The claimant was not overpaid for the week ending January 9, 2010. The Agency shall repay the claimant the benefits withheld for the week ending March 20, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw