

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL S GOODING
Claimant

APPEAL NO. 12A-UI-07335-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/26/10
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Michael S. Gooding filed a timely appeal from an unemployment insurance decision dated June 7, 2012, reference 02, that ruled he had been overpaid \$2,305.00 in benefits for the five weeks ending January 29, 2011. After due notice was issued, a telephone hearing was held July 17, 2012, with Mr. Gooding participating.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Michael S. Gooding received unemployment insurance benefits totaling \$2,305.00 for the five weeks ending January 29, 2011. A fact-finding decision dated February 3, 2011, denied benefits to Mr. Gooding upon a finding that he was working so many hours as to be considered fully employed. That decision was affirmed by administrative law judge decision 11A-UI-01778-HT on March 16, 2011, and by the Employment Appeal Board decision 11B-UI-01778 dated May 19, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid in error be repaid, even if the individual who had received the benefits is not at fault for the overpayment. The evidence in the record establishes that Mr. Gooding received the benefits in question. This administrative law judge has no jurisdiction to review the prior decisions that all ruled that he was not eligible for benefits during the weeks in question.

DECISION:

The unemployment insurance decision dated June 7, 2012, reference 02, is affirmed. The claimant has been overpaid \$2,305.00 for the five weeks ending January 29, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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