

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 RAPOPORT
909 E 7TH ST APT 7
SOUTH SIOUX CITY NE 68776-1871

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

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Appeal Number: 04A-UI-05799-A
OC: 04-11-04 R: 01
Claimant: Appellant (2)

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 Rapoport filed a timely appeal from an unemployment insurance decision dated May 14, 2004, reference 03, which ruled that he had been overpaid by \$783.00 for the three weeks ending May 1, 2004. After due notice was issued, a hearing was held in Sioux City, Iowa, on September 21, 2004 with Mr. Rapoport participating and being represented by Rhoda Tenuta, attorney at law. This matter is considered on a consolidated record with 04A-UI-05798-A. The administrative law judge takes official notice of Agency benefit payment records.

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: David Rapoport received unemployment insurance benefits in the gross amount of \$783.00 for the three weeks ending May 1, 2004. The decision disqualifying him for benefits has been reversed by the administrative law judge's decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Rapoport must repay the benefits in question. He need not do so.

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid to the Agency if they were paid in error. Since the evidence establishes that the decision denying benefits to Mr. Rapoport has been reversed, it necessarily follows that he need not repay them.

DECISION:

The unemployment insurance decision dated May 14, 2004, reference 03, is reversed. The claimant has not been overpaid for the three weeks ending May 1, 2004.

tjc/tjc