

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN J WEST
Claimant

APPEAL NO. 10A-UI-14562-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Kevin J. West filed an appeal from an unemployment insurance decision dated October 8, 2010, reference 09, that ruled he had been overpaid \$672.00 for the six weeks ending August 21, 2010, because of an earlier decision holding him ineligible for emergency unemployment compensation. Due notice was issued for a telephone hearing to be held November 27, 2010. The claimant did not provide a telephone number at which he could be contacted. The administrative law judge takes official notice of Agency benefit payment records and overpayment records.

ISSUE:

Does the administrative law judge have jurisdiction to rule on the merits of this case?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by October 18, 2010, or received by the Agency by that date. The claimant filed an appeal in a workforce development center on October 22, 2010. The benefits in question have been repaid to the Agency.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the administrative law judge has jurisdiction to rule on the merits of this case. For the reasons stated in decision 10A-UI-14561-AT, the administrative law judge concludes that he lacks jurisdiction. He does note, however, that the benefits in question have been repaid.

DECISION:

The unemployment insurance decision dated October 8, 2010, reference 09, is affirmed. The claimant was overpaid \$672.00 for the six weeks ending August 21, 2010. The overpayment has been recovered.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw