

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL J ADAMS
Claimant

APPEAL NO. 12A-EUCU-00020-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/14/10
Claimant: Appellant (4)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Daniel J. Adams filed a timely appeal from an unemployment insurance decision dated January 11, 2012, reference 06, that ruled he had been overpaid \$6,439.00 for the 27 weeks ending October 22, 2011. After due notice was issued, a telephone hearing was held February 17, 2012 on a consolidated record with 12A-EUCU-00019-AT.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Daniel J. Adams received benefits from the agency totaling \$6,439.00 for the 27 weeks ending October 22, 2011.

REASONING AND CONCLUSIONS OF LAW:

Administrative Law Judge decision 11A-UI-15145-HT has ruled that Mr. Adams was not eligible for benefits, either state or federal, from February 13 through November 26, 2011 upon a finding that Mr. Adams did not meet the definition of being unemployed during those weeks. That decision has been appealed to the Employment Appeal Board. This administrative law judge's decision in the companion case has ruled that during the weeks that Mr. Adams is eligible, he may continue to receive Emergency Unemployment Compensation on his 2010 claim because the weekly benefit amount for his 2011 claim is more than \$100.00 less. Agency records indicate that the remaining balance of the overpayment as of the date of this hearing was \$4,727.00. This matter is remanded to the agency to review its calculations to make certain that the only overpayment being recovered from the claimant is for the weeks of February 13 through November 26, 2011.

DECISION:

The unemployment insurance decision dated January 11, 2012, reference 06, is modified. The claimant is overpaid benefits for the weeks of February 13 through November 26, 2011. The agency shall review its records and remove any overpayment applied as the result of the fact-finding decision dated September 26, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs