

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODNEY K WHITMORE**  
Claimant

**APPEAL NO. 10A-UI-06549-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY**  
Employer

**OC: 01/03/10**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Rodney K. Whitmore filed an appeal from an unemployment insurance decision dated February 2, 2010, reference 02, that ruled he had overpaid \$299.00 in unemployment insurance benefits for the week ending January 9, 2010. After due notice was issued, a telephone hearing was held May 25, 2010 with Mr. Whitmore participating. This matter is considered on a consolidated record with appeal 10A-UI-06548-AT.

**ISSUES:**

Has the claimant filed a timely appeal?

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Having heard the testimony of witnesses and having examined all of the evidence in the record, the administrative law judge finds: Rodney K. Whitmore received unemployment insurance benefits in the gross amount of \$299.00 for the week ending January 9, 2010. In the companion decision, this administrative law judge has overruled the fact-finding decision holding that the claimant was ineligible for benefits and has ruled that the claimant's appeal is timely.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons stated in the companion decision, the administrative law judge concludes that he has jurisdiction to rule on the merits of this case.

Iowa Code section 96.3-7 requires that unemployment insurance benefits be repaid to the Agency if, and only if, they were paid in error. Since the claimant was entitled to receive the benefits in question, it necessarily follows that he need not repay them.

**DECISION:**

The unemployment insurance decision dated February 2, 2010, reference 02, is reversed. The claimant has not been overpaid for the week ending January 9, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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