

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUSTIN A LEPPERT
Claimant

APPEAL NO. 22A-UI-09061-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEVELOPMENT**

**OC: 01/02/22
Claimant: Appellant (5)**

Iowa Code Section 96.6 - Jurisdiction
Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

On April 11, 2022, Justin Leppert (claimant) filed a timely appeal from the April 1, 2022 (reference 02) decision that held the claimant was overpaid \$3,177.00 in benefits for nine weeks between January 2, 2022 and March 5, 2022, based on a March 22, 2022 administrative law judge decision. An appeal hearing was scheduled for May 23, 2022. The claimant appeared at the appointed time. Prior to the scheduled hearing time, the administrative law judge determined, due to jurisdictional issues, that it was not appropriate to proceed with the appeal hearing. The administrative law judge enters the following decision based on the Agency's administrative records and the law.

ISSUE:

Whether the Benefits Bureau deputy had jurisdiction to enter the April 1, 2022 (reference 02) decision.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:
On March 22, 2022, an administrative law judge entered a decision in Appeal Number 22A-UI-03907-AD-T. The administrative law judge's decision addressed an employer appeal from the January 27, 2022 (reference 01) decision that allowed benefits to the claimant, provided the claimant was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion the claimant was discharged on January 3, 2022 for no disqualifying reason. The administrative law judge reversed the reference 01 decision and held the claimant voluntarily quit without good cause attributable to the employer. The administrative law judge held the claimant was disqualified for benefits. The administrative law judge also held the \$3,177.00 in benefits the claimant received for nine weeks between the benefit weeks ending January 8, 2020 and March 5, 2022 was an overpayment of benefits. The administrative law judge held the benefits must be recovered.

On April 1, 2022, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that addressed the exact same overpayment issue the administrative law

judge had ruled on in Appeal Number 22A-UI-03907-AD-T. The deputy held the claimant was overpaid \$3,177.00 in benefits for nine weeks between January 2, 2022 and March 5, 2022, based on a March 22, 2022 administrative law judge decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6 sets forth the procedure and jurisdictional parameters for adjudication of claims. Under that structure, the Benefits Bureau has not legal jurisdiction to enter a decision that duplicates, reverses or modifies an administrative law judge's decision addressing the same legal issue and same underlying facts. In this instance, the Benefits Bureau's April 1, 2022 (reference 02) decision duplicates the administrative law judge overpayment determination in Appeal Number 22A-UI-03907-AD-T. The Benefits Bureau lacked jurisdiction to enter the reference 02 decision. For that reason, the reference 02 decision is hereby deemed null and void. The present decision does nothing to disturb the overpayment determination in Appeal Number 22A-UI-03907-AD-T. If the claimant wishes to challenge the overpayment determination, he must do so through appeal of the administrative law judge decision in Appeal Number 22A-UI-03907-AD-T to the Employment Appeal Board.

DECISION:

The April 1, 2022 (reference 02) decision that held the claimant was overpaid \$3,177.00 in benefits for nine weeks between January 2, 2022 and March 5, 2022, based on a March 22, 2022 administrative law judge decision was entered without legal jurisdiction and is hereby deemed null and void. The present decision does nothing to disturb the overpayment determination in Appeal Number 22A-UI-03907-AD-T. If the claimant wishes to challenge the overpayment determination, he must do so through appeal of the administrative law judge decision in Appeal Number 22A-UI-03907-AD-T to the Employment Appeal Board.



James E. Timberland
Administrative Law Judge

July 8, 2022
Decision Dated and Mailed

jet/kmj

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.