

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

**IN RE CLAIM OF
FREDERICK HOUWEN**

Claimant

:
: **HEARING NUMBER: 22B-UI-11402**
:
:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**
:
:

N O T I C E

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

**D E C I S I O N
ON REMAND**

BENEFITS ARE DENIED

Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We note that in as much as the Administrative Law Judge neglected to impose a penalty on the FPUC overpayment, the question of fraud does not affect the outcome in this case. As we found in case 11400 even if there were no PUA fraud proven, the business described by Claimant is not self-employment and the Claimant was thus properly denied PUA regardless of fraud. This being the case, the FPUC overpayment would still be imposed even if fraud had not been proven in case 11400. As we are affirming the Administrative Law Judge we also are not imposing a 15% penalty,

but this is solely because no one appealed to us, or filed argument with us, asking for this.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv