

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

ANITA DURIC

Claimant

: **APPEAL NUMBER:** 22B-UI-16095

: **ALJ HEARING NUMBER:** 22A-UI-16095

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

:

WALMART INC

:

:

Employer

:

NOTICE

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

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed to the Employment Appeal Board the issue of her disqualification from benefits and also on the issue of chargeability of the overpayment in this case. The members of the Employment Appeal Board reviewed the entire record. On the question of whether the Claimant was disqualified from benefits the unanimous Appeal Board finds the administrative law judge's decision is correct. The Employment Appeal Board **AFFIRMS** on the Claimant's **disqualification** from benefits.

The administrative law judge's decision on chargeability of the overpayment is **AFFIRMED** with the following **MODIFICATION**. The Administrative Law Judge found the Employer did not participate in the Reasoning and Conclusions of Law, and has found that the Employer's account shall be charged for the overpayment in the Decision. But the Administrative Law Judge also said that the Claimant must repay the overpayment. We conclude that charging to the Claimant was a typographical error. The fourth sentence of the Decision of the Administrative Law Judge is modified to read "The claimant received \$1,865.00 in regular

unemployment benefits and need not repay those benefits.” Otherwise the Administrative Law Judge’s decision denying benefits is affirmed. The Claimant did not appeal that portion of the decision.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv