

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

Claimant

APPEAL 19A-UI-06786-JC-T

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**ADMINISTRATIVE LAW JUDGE
PUBLIC DECISION**

**OC: 05/19/19
Claimant: Appellant (2)**

Iowa Code § 235A – Child Abuse Information – access/dissemination to confidential information
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 21 2019 (reference 07) unemployment insurance decision that established an overpayment of \$1,836.00.

The claimant was properly notified of the hearing and a telephone hearing was held on September 19, 2019. The hearing was held jointly with Appeal 19A-UI-06785-JC-T. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Shall the hearing record and decision be publicly disclosed?
Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of May 19, 2019. The claimant filed for and received a total of \$1,836.00 in unemployment insurance benefits for the weeks between June 16, 2019 and August 10, 2019.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 19A-UI-06785-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The first issue to be addressed in this case is the effect of the confidentiality requirements of Iowa Code § 235A.

Iowa Code § 235A provides that confidentiality of “child abuse information” shall be maintained, except as specifically authorized. See Iowa Code § 235A.15(1). Iowa Code § 235A.13(2) provides:

“Child abuse information” means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

- a. Report data.ⁱ
- b. Assessment data.ⁱⁱ
- c. Disposition data.ⁱⁱⁱ

There is no exception under Iowa Code chapter 235A for either party to discuss or disclose “child abuse information”. Iowa Code § 235A must be followed despite conflicting provisions of the Iowa Open Records Act (Iowa Code chapter 22), the Iowa Administrative Procedure Act (APA) (Iowa Code chapter 17A), and Iowa Employment Security Law (Iowa Code chapter 96). Iowa Code § 22.2(1) provides: “Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record.”

The appeal documents, exhibits, decision, and audio recording in an unemployment insurance case would meet the definition of “public record” under Iowa Code § 22.1-3. Iowa Code § 17A.12(7) provides that contested case hearings “shall be open to the public.” Under Iowa Code § 96.6(3), unemployment insurance appeals hearings are to be conducted pursuant to the provisions of chapter 17A. The unemployment insurance rules provide that copies of all presiding officer decisions shall be kept on file for public inspection at the administrative office of the department of workforce development. Iowa Admin. Code r. 871-26.17(3).

In this case, it would defeat the purpose of Iowa Code § 235A of restricting redissemination to permit the confidential information to be disclosed to the general public. Therefore, the public decision in this case is issued without identifying information. A decision with identifying information will be issued to the parties; but that decision, the audio record, and any documents in the administrative file shall be sealed and not publicly disclosed.

The next issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

- a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$1,836.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated August 21 2019 (reference 07), is reversed. The claimant was not overpaid benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn

ⁱ Iowa Code § 235A.13(10): "Report data" means any of the following information pertaining to an assessment of an allegation of child abuse in which the department has determined the alleged child abuse meets the definition of child abuse:

- a. The name and address of the child and the child's parents or other persons responsible for the child's care.
- b. The age of the child.
- c. The nature and extent of the injury, including evidence of any previous injury.
- d. Additional information as to the nature, extent, and cause of the injury, and the identity of the person or persons alleged to be responsible for the injury.
- e. The names and conditions of other children in the child's home.
- f. A recording made of an interview conducted under chapter 232 in association with a child abuse assessment.
- g. Any other information believed to be helpful in establishing the information in paragraph "d".

ⁱⁱ Iowa Code § 235A.13(1): "Assessment data" means any of the following information pertaining to the department's evaluation of a family:

- a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.
- b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

ⁱⁱⁱ Iowa Code § 235A.13(5): "Disposition data" means information pertaining to an opinion or decision as to the occurrence of child abuse, including:

- a. Any intermediate or ultimate opinion or decision reached by assessment personnel.
- b. Any opinion or decision reached in the course of judicial proceedings.
- c. The present status of any case.