

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

PO HTOO	:	
	:	HEARING NUMBER: 21B-UI-16433
Claimant	:	
	:	
and	:	EMPLOYMENT APPEAL BOARD
	:	DECISION
TYSON FRESH MEATS 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: 17A.12-3, 26.14-7

DECISION

The 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**.

The Board cannot waive the overpayment in the case before us, because there was no hearing, and there must be evidence for us to waive the federal FPUC overpayment. “[W]aiver determinations must be made on the facts and circumstance of each individual claim, blanket waivers are not permissible.” UIPL 15-20, Change 1, Attachment I, p. I-3 (DOL ETA May 9, 2020). However, the Claimant may still request a waiver of his FPUC overpayment from Iowa Workforce Development. Instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. The Claimant should then carefully read and follow all instructions from Iowa Workforce on how to apply for waiver of FPUC, what information to supply, and how to appeal if necessary.

The Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv