BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

JOHNETTA LATHAN :

HEARING NUMBER: 21B-UI-09823

Claimant :

.

and : **EMPLOYMENT APPEAL BOARD**

DECISION

AT&T MOBILITY SERVICES LLC

:

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, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

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.ioway	
overpayment-and-recovery. The Claimant should then	n 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.
	James M. Strohman
	Ashley R. Koopmans
	Asincy R. Roopinans
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	Myron R. Linn
AMG/fnv	