

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JONATHAN D THOMPSON**  
Claimant

**APPEAL 20A-UI-04216-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/26/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.3-7 – Overpayment  
871 IAC 24.2(4)d(1) – Cancellation of Unemployment Insurance Claim  
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Jonathan Thompson (claimant) appealed a representative's May 15, 2020, decision (reference 02) that cancelled his claim for benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 3, 2020. The claimant did participate. The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant's request to reinstate the Iowa claim for unemployment insurance benefits effective April 26, 2020, should be granted.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits in Iowa with an effective date of April 26, 2020. He received unemployment insurance benefits and federal pandemic unemployment compensation for the week ending May 2, 2020. He moved to Iowa in 2019, from Oklahoma. His parents still live there. He has been the victim of identity theft through Equifax and reported the incidents.

The claimant's parents notified the claimant that the Oklahoma Unemployment Commission sent a letter to him at their address on a Thursday. He had not lived with them for twenty years. The letter was an explanation of his unemployment insurance benefits from Oklahoma. On the following Tuesday his parents received an Oklahoma Jobs Card. The claimant did not understand what his parents were saying. He did not apply for benefits in Oklahoma. He asked them to send the items to him in Iowa.

With the information in hand, the claimant was able to contact the Oklahoma Unemployment Commission and discover someone had fraudulently filed for unemployment insurance benefits

using his name, social security number, and his parent's address. The claimant had been issued an Oklahoma Jobs Card. The worker from Oklahoma gave the claimant access to his online account. The claimant could see that the Oklahoma Jobs Card had not been activated but the benefits had been transferred to a Green Dot Card and removed from the Oklahoma Jobs Card. The claimant stopped the transfer of funds and reported the fraud to the Oklahoma Unemployment Fraud Commission in a series of emails starting on May 7, 2020. The total loss may have been \$539.00 in unemployment insurance benefits and \$600.00 in Cares Act benefits from Oklahoma. The claimant continues to be in contact with the Oklahoma agency and recently Oklahoma represented to the claimant that it had many cases like his.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to reinstate the Iowa claim for unemployment insurance benefits effective April 26, 2020, is granted.

Iowa Admin. Code r. 871-24.2(4)d provides:

Cancellation of unemployment insurance claim.

d. Other valid reasons for cancellation whether or not ten-day protest period has expired.

(1) The individual has an unexpired unemployment insurance claim in another state and is eligible for a remaining balance of benefits.

(2) The individual received erroneous information regarding entitlement or eligibility to unemployment insurance benefits from an employee of the department.

(3) The individual has an unexpired railroad unemployment insurance claim with a remaining benefit balance which was filed prior to the unemployment insurance claim.

(4) The individual exercises the option to cancel a combined wage claim within the ten days allowed by federal regulation.

(5) The individual has previously filed a military claim in another state or territory. Wages erroneously assigned to Iowa must be deleted and an interstate claim must be filed.

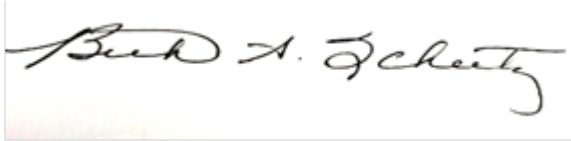
(6) Federal wages have previously been assigned to another state or territory or are assignable to another state or territory under federal regulation. Federal wages erroneously assigned to Iowa must be deleted and the appropriate type of claim filed.

(7) The Iowa wages are erroneous and are deleted and the wages from one other state were used, the claim shall be canceled and the wages returned to the transferring state.

The claimant has not filed a claim for unemployment insurance benefits in any other state but Iowa. He should not be penalized because someone filed a fraudulent claim in another state. The claimant shall have his Iowa claim reinstated effective April 26, 2020. .

**DECISION:**

The representative's May 15, 2020, decision (reference 02) is reversed. The claimant's request to reinstate the Iowa claim for unemployment insurance benefits effective April 26, 2020, is granted.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

Beth A. Scheetz  
Administrative Law Judge

June 19, 2020  
Decision Dated and Mailed

bas/scn