

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 13IWDUI532
OC: 05/12/13
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

CHARLES MACY
205 SW LINDEN STREET
ANKENY, IA 50023

IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS AND RECOVERY
IRMA LEWIS, INVESTIGATOR

TERESA HILLARY, IWD
JONI BENSON, IWD

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

November 26, 2013
(Dated and Mailed)

Dismissal of Appeal – 481 Iowa Administrative Code 10.24

STATEMENT OF THE CASE

Claimant/Appellant Charles Macy appealed a decision issued by Respondent Iowa Workforce Development (“IWD”) dated October 18, 2013, reference 02, finding he had been overpaid \$253 for one week between August 4, 2013 and August 10, 2013 because he incorrectly reported wages earned with Capitol City Investments. IWD determined the overpayment was due to misrepresentation and imposed a 15% penalty. In his

appeal, Macy agreed he was overpaid, but appealed the misrepresentation finding and imposition of a 15% penalty.

A contested case hearing was scheduled for December 2, 2013. Prior to the hearing IWD submitted a decision dated November 6, 2013, reference 03 amending reference 02, finding Macy received a \$253 overpayment, but removing finding he engaged in misrepresentation and imposing a 15% penalty.

DECISION

Macy agrees he was overpaid \$253. He appealed the finding he engaged in misrepresentation and the assessment of a 15% penalty. IWD has reversed its decision that the overpayment was due to misrepresentation and the imposition of a 15% penalty, the appeal is dismissed.

hlp