



Pursuant to this authority we review this case and determine to remand it for further proceedings consistent with this decision. We remand because the overpayment in this matter is a result of the disqualification in case 22A-UI-07968. Since we have today remanded case 22A-UI-07968, we remand this case as well. We note that the Administrative Law Judge's decision in this case (07970) stated in the body that the overpayment was reversed, and in the conclusion that the overpayment was owed. We take the decision as saying the overpayment was reversed since this is the automatic result of the Administrative Law Judge's decision in case 22A-UI-07968. Either way the result in this matter will be determined by the outcome of the remand in case 22A-UI-07968. If the Administrative Law Judge on remand finds the appeal in case 22A-UI-07968 timely, and allows benefits, then there will be no overpayment based on the disqualification in case 22A-UI-07968.

Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient cause why the new and additional information was not presented at hearing. Accordingly none of the new and additional information submitted has been relied upon in making our decision, and none of it has received any weight whatsoever, but rather all of it has been wholly disregarded.

**DECISION:**

The decision of the administrative law judge dated June 16, 2022 is not vacated at this time, and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge who shall conduct a new hearing following due notice. After the hearing, the administrative law judge shall issue a decision that provides the parties appeal rights.

The parties are cautioned to read and follow the directions in the notice of hearing, and to carefully note any differing times and PIN numbers listed in that notice of hearing.

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn