

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**HEATHER R. CORREY**  
**2746 HOLCOMB AVE**  
**DES MOINES, IA 50310-5559**

**IOWA WORKFORCE DEVELOPMENT**  
**INVESTIGATION AND RECOVERY**  
**1000 EAST GRAND AVENUE**  
**DES MOINES IA 50319-0209**

DAN ANDERSON, IWD

**Appeal Number:** 10-IWD-117  
**OC:** 06/28/09  
**Claimant:** Appellant (6)

**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 Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>TH</sup> 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.

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(Administrative Law Judge)

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April 30, 2010

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(Decision Dated & Mailed)

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871IAC26.11 – Motion to Dismiss Appeal

#### **STATEMENT OF THE CASE:**

Heather R. Correy appealed a representative's decision dated March 19, 2010, reference 02, holding she had been overpaid unemployment insurance benefits in the net amount of \$313. An in person hearing was scheduled for April 26, 2010, pursuant to due notice.

At the time of hearing, Ms. Correy appeared and was self-represented. Investigator Irma Lewis appeared on behalf of Workforce Development. During the course of the hearing, Ms. Correy produced copies of her pay records from UPS which did not correspond with information provided by the employer to Workforce Development at an earlier date. As a result, Ms. Lewis requested that the hearing be adjourned and reconvened at a later date to allow her to contact UPS and discuss the information provided. That request was granted.

On April 29, 2010, this administrative law judge received a copy of a new representative's decision dated April 27, 2010, reference 4, which reduced the amount of the alleged overpayment of benefits to \$0. Therefore, Ms. Lewis requested that this appeal be dismissed.

**FINDINGS OF FACT:**

Iowa Workforce Development has determined that Heather R. Correy did not fail to properly report her earnings during the period from June 28, 2009 through September 19, 2009 and therefore did not receive unemployment insurance benefits to which she was not entitled. The agency has issued a new decision informing Ms. Correy that the alleged overpayment has been reduced to \$0. Workforce Development therefore asks that this appeal be dismissed.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the department's motion to dismiss this appeal should be approved.

The parties agree that Ms. Correy did not receive an overpayment of benefits for the period between June 28, 2009 and September 19, 2009. There are no other issues to be determined in this appeal. Therefore, the department's request to dismiss should be granted.

**DECISION:**

The department's decision originally appeal has been superseded by a decision issued April 27, 2010, reference 4, reducing the alleged overpayment of benefits to Ms. Correy to \$0 is hereby **AFFIRMED**. The appeal filed herein by Ms. Correy to the earlier overpayment decision is **DISMISSED**.

kka