BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov

MADISON K FITZPATRICK   :

                                 :   **HEARING NUMBER:** 22B-UI-17988

   Claimant   :

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                                 :   **EMPLOYMENT APPEAL BOARD**
                                 :   **DECISION**

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N O T I C E

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: 17A.12-3, 26.14-7

D E C I S I O N

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.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery. The Claimant should then 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.

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn

AMG/fnv