

IOWA DEPARTMENT OF INSPECTION AND APPEALS  
DIVISION OF ADMINISTRATIVE HEARINGS  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 09-IWDUI-072  
**OC:** 07/18/08  
**Claimant:** Appellant (4)

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**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.

**RICHARD DEAN ALEXANDER  
4420 BOWLING ST SW LOT F11  
CEDAR RAPIDS IA 52404**

**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.

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

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.

DAN ANDERSON, IWD

---

(Administrative Law Judge)

April 30, 2009

---

(Decision Dated & Mailed)

---

96.3-4 – Determination of Benefits  
96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from Iowa Workforce Development monetary record determinations dated July 18 (corrected July 22<sup>nd</sup>), July 25, and August 5, 2008 that stated he had an overpayment from his May 30, 1999, unemployment claim.

After due notice was issued, a hearing was scheduled for telephone conference call on April 29, 2009. The claimant participated. Neil Anderson, Investigator for Investigation and Recovery, participated for Iowa Workforce Development. Claimant Exhibit One was admitted as evidence.

## FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having examined all of the evidence in the record, finds that: An unemployment benefit claim was filed by Richard Alexander with an effective date of May 30, 1999. After a department audit, it issued a decision that Richard Alexander was overpaid benefits \$303.87.

When claimant went to his local workforce center to inquire about his unemployment benefits on April 3, 2009, he learned about the overpayment decision. The claimant was directed to Investigator Anderson due to an identity issue. The claimant provided documentation to Anderson that established he was born on May 20, 1990, and that he was not the Richard Alexander that filed the claim that led to the overpayment. When Anderson reviewed the names of the employers that were involved with the claim, the claimant recalled them as his father's employers, and he suspected that his father had used his social security number and identity. Anderson concurred with the claimant's explanation for what had happened in this matter.

Anderson helped the claimant file an appeal on April 3, 2009. The claimant does not know where his father is currently residing nor has he had contact with him for two years. Anderson requests that the overpayment be affirmed as to Richard Alexander, but removed from the claimant's unemployment records.

## REASONING AND CONCLUSIONS OF LAW:

The first issue is whether the claimant filed a timely appeal.

### **Iowa Code Section 96.6-2 provides:**

2. Initial determination. Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from a decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The administrative law judge concludes that the claimant filed a timely appeal pursuant to Iowa Code section 96.6-2. The claimant had no knowledge of the overpayment decisions or that his father used his social security identity to file an unemployment claim until April 3, 2009. The July and August 2008 monetary records reference an overpayment relating to a May 30, 1999 claim, but the claimant had no reason to believe that it applied to him until Investigator Anderson made the disclosure on April 3<sup>rd</sup>.

### **Iowa Code Section 96.3-4 provides:**

4. Determination of benefits. With respect to benefit years beginning on or after July 1, 1983, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount . . . ; the director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, . . . .

The claimant is requesting that any reference to an overpayment on his July 18, July 22, July and August 5, 2008 monetary record be stricken in accordance with the decisions dated April 30, 2009 (See Appeal # 09IWDUI073 and #09IWDUI074). The weekly benefit amount maximum benefits, and wage credits are correct.

The administrative law judge concludes that the monetary record on claimant's July 13, 2008 unemployment claim be corrected by striking any reference to an overpayment, and all other provisions shall remain in force and effect.

DECISION:

The Iowa Workforce Development Department monetary records dated July 18 (as corrected on July 22<sup>nd</sup>), July 25, 2008, and August 5, 2008, are MODIFIED in favor of the claimant. The claimant filed a timely appeal. The records are corrected to strike overpayment and reference to a claim dated May 30, 1999, but all other provisions shall remain in force and effect.

rls