

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ABBY R HELM
Claimant

APPEAL NO. 21R-UI-12152-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment
Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

On December 13, 2020, the claimant Abby R. Helm appealed the December 15, 2020, (reference 05) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$840.00 for the four-week period ending June 27, 2020. The administrative law judge heard this appeal and entered a decision (21A-UI-01520). Claimant then appealed to the Employment Appeal Board, who remanded the matter back for additional information (21B-UI-01520).

A telephone hearing was held at 8:00 a.m. on Monday, July 26, 2021, pursuant to due notice and was consolidated with the hearing for 21R-UI-12151-LJ-T. The claimant, Abby R. Helm, participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment at issue has been adjudicated in a representative's decision as the unemployment insurance decision dated December 7, 2020, reference 03. That decision finding claimant was overpaid \$3,150.00 in regular unemployment insurance benefits for the fifteen-week period ending June 27, 2020 has been affirmed. See 21R-UI-12151-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds as follows:

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

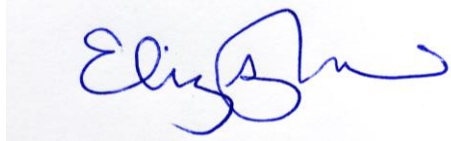
Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the issue presented was resolved in a prior representative's decision, the current decision, referring to entirely overlapping weeks from the claim year effective March 15, 2020, is affirmed.

DECISION:

The December 15, 2020, (reference 05) unemployment insurance decision is affirmed. The December 7, 2020 decision on the overpayment, affirmed in 21R-UI-12151-LJ-T, remains in effect.



Elizabeth A. Johnson
Administrative Law Judge
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Fax (515)478-3528

July 30, 2021
Decision Dated and Mailed

lj/mh