

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

Appeal Numbers: 12IWDUI490-491
OC: 12/04/11
Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

VINCENT MCGEE
11000 DOUGLAS AVENUE STE 222
URBANDALE, IA 50322

IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS AND RECOVERY
IRMA LEWIS, INVESTIGATOR

JOE WALSH, IWD
JONI BENSON, IWD

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.

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.

(Administrative Law Judge)

December 31, 2012

(Dated and Mailed)

Dismissal of Appeal – 481 Iowa Administrative Code 10.24

STATEMENT OF THE CASE

Claimant/Appellant Vincent McGee filed an appeal from two decisions issued by Iowa Workforce Development (“IWD”). In the first decision dated September 10, 2012, reference 03, IWD found McGee was ineligible to receive unemployment insurance benefits from April 29, 2012 through August 4, 2012 because he failed to make an adequate work search. In the second decision dated September 13, 2012, IWD found McGee was overpaid \$1,953.77 for the fourteen weeks between April 29, 2012 and

August 4, 2012 because of the September 10, 2012 decision disqualifying him from receiving benefits.

On October 11, 2012, IWD transmitted the appeal to the Department of Inspections and Appeals to schedule a contested case hearing. A contested case hearing was held on December 17, 2012. McGee appeared and testified. Irma Lewis appeared and testified on behalf of IWD. Exhibits 1 through 9 were admitted into the record. McGee testified he performed the work searches in question. Lewis agreed to meet with McGee to determine whether his work searches were adequate. The hearing was continued to December 19, 2012. Prior to the hearing, Lewis agreed IWD's decision dated September 10, 2012, reference 03, finding McGee was ineligible to receive unemployment insurance benefits from April 29, 2012 through August 4, 2012 should be reversed. Because McGee was eligible for unemployment insurance benefits no overpayment occurred as a result of reference 03, and reference 04 should also be reversed.

DECISION

IWD has reversed its decisions, finding McGee is eligible for unemployment insurance benefits and that he received an overpayment. Because no issues remain for resolution, the appeals are dismissed.

hlp