

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

ELIZABETH M HAYNES

Claimant

and

NECAC

Employer

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HEARING NUMBER: 20B-UI-07210

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

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: 96.5-1, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member concurring, 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 notes the administrative law judge determined the Claimant had an overpayment of regular unemployment benefits that he is not liable to repay since the Employer did not participate in the Fact-finding Interview within the meaning of Iowa law. However, it is possible the Claimant may be assessed an overpayment of Federal Pandemic Unemployment Compensation (FPUC) benefits he may have received. If so, the Claimant may be eligible for a waiver of the FPUC overpayment. In order to find out if he is eligible for such a waiver, the Claimant must contact the Iowa Workforce Development, Benefits Bureau, to request a waiver.

Ashley R. Koopmans

James M. Strohman

CONCURRING OPINION OF MYRON R. LINN:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would not agree with the comment regarding the waiver request for the FPUC overpayment.

Myron R. Linn

AMG/fnv

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. This decision will become final unless an application for rehearing, or a petition to district court is filed as set out above. In addition, individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations may still qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. The Board would comment that our decision does not affect the Claimant's application for PUA benefits.