

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ALAN E CAVES
PO BOX 573
ALEXIS IL 61412-0573**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 06A-UI-11409-DWT

**ADMINISTRATIVE LAW JUDGE
ORDER TO REOPEN HEARING AND
REMAND TO CLAIMS SECTION FOR
EXPLANATION**

APPEAL RIGHTS:

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:

***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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

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 Workforce Development. 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.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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ALAN E CAVES
Claimant

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DEVELOPMENT DEPARTMENT**

APPEAL NO. 06A-UI-11409-DWT

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EXPLANATION**

**OC: 10/08/06 R: 12
Claimant: Appellant (R)**

STATEMENT OF THE CASE:

Alan E. Caves (claimant) appealed a representative's November 21, 2006 decision (reference 01) that concluded he had been overpaid \$544.00 in benefits he received for the weeks ending October 14 through November 11, 2006. The overpayment occurred after the Department redetermined the claimant's maximum weekly benefit amount, which was reduced from \$205.00 per week to \$94.00 per week. The Department gave no explanation as to why the claimant's claim had been redetermined. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 13, 2006. The claimant participated in the hearing.

The claimant gave the administrative law judge permission to review information in his administrative record in an effort to determine why the Department redetermined his maximum weekly benefit amount. Based on the administrative record, the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following ORDER:

FINDINGS OF FACT:

The claimant initially established a claim for benefits in Illinois during the week of September 19, 2005. This benefit year ran until September 18, 2006. The claimant exhausted his regular unemployment insurance benefits the week of April 1, 2006. Illinois reopened the claimant's TRA claim and the claimant received benefits from a previously established TRA claim. An Illinois representative directed the claimant to establish a claim in Iowa after the end of his benefit year.

The claimant established a claim for benefits in Iowa during the week of October 8, 2006. A monetary determination was issued on October 11. This decision concluded the claimant's maximum weekly benefit amount was \$205.00 per week.

On November 16, 2006, the Department issued another monetary determination. In this monetary determination the Department considered the effective date of the claimant's claim as April 2, 2006, instead of October 8, 2006. The Department provided no explanation or legal authority for redetermining the claimant's maximum weekly benefit amount or for making his claim effective as of April 2, 2006 instead of October 8, 2006.

As a result of the lower weekly benefits amount, the Department then issued a determination holding the claimant overpaid \$544.00 in benefits he received for the weeks ending October 14 through November 11, 2006.

The only issue noted on the hearing notice was the overpayment issue. An issue of whether the claimant's maximum weekly was \$205.00 or \$94.00 should have also been an issue because this amount determines whether the claimant was overpaid.

REASONING:

The claimant has been held overpaid because the Department reduced his maximum weekly benefit amount. The Appeals Section should have included the issue of whether the claimant's maximum weekly benefit amount should be \$94.00 instead of \$205.00 on the hearing notice.

Unfortunately the Department did not provide any explanation or legal authority for issuing the November 16 monetary determination. As result, the claimant had no idea why his maximum weekly benefit amount was redetermined and the Claims Section failed to indicate what newly discovered information the Department relied upon to issue the November 16, 2006 decision. As a result, this issue is remanded to the Claims Section to provide the claimant with an written explanation with references to the law to explain why the November 16 monetary determination was issued and why the effective of his Iowa claim was made effective as of April 2, 2006, when the claimant did not establish a claim in Iowa until the week of October 8, 2006.. This decision must also indicate what newly discovered facts the Department received that gave it the legal authority to issue the November 16 amended monetary determination. After this decision has been issued, a hearing will be held on whether the claimant is entitled to receive \$205.00 or \$94.00 per week. Based on evidence presented on December 13 and this future hearing, a decision will be issued as soon as possible in this matter.

ORDER:

It is ORDERED that this matter be remanded to the Claims Section to issue a written explanation with reference to the appropriate law section as to why the claimant's maximum weekly benefits amount was reduced to \$94.00 and the effective date of his Iowa claim was made as of April 2, 2006, when the claimant did not file a claim in Iowa until the week of October 8, 2006. This decision should also indicate what newly discovered facts the Claims Section relied upon to issue the November 16 decision. After the Claims Section issues this

explanation or decision, another hearing will be held on the issue of whether the claimant's maximum weekly benefits amount is \$205.00 or \$94.00.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css