BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

JAMES W PHILIPPI

HEARING NUMBER: 20B-UI-04335

Claimant

: EMPLOYMENT APPEAL BOARD

DECISION

FAREWAY STORES INC

and

.

Employer

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, 24.10

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

The Claimant's overpayment for regular unemployment benefits is waived, and chargeable to the Employer, as the Employer did not participate in the Fact-finding Interview within the meaning of the rule. However, as to the

Federal Pandemic Unemployment Compensation (FPUC) the Claimant received in the amount of \$5,400, is waivable. The Claimant is still liable for that overpayment, which cannot be chargeable to the Employer.	
	Ashley R. Koopmans
	James M. Strohman
AMG/fnv	Myron R. Linn