

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
Website: eab.iowa.gov**

YAO APOUVI

Claimant	:	APPEAL NUMBER:	23B-UI-07049
	:	ALJ HEARING NUMBER:	23A-UI-07049
	:		
and	:	EMPLOYMENT APPEAL BOARD	
	:	DECISION	
FEDEX GROUND PACKAGE SYSTEM INC	:		
	:		
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: 96.1A 96.4-3

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 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 Employer Appeal Board would modify the administrative law judge's Findings of Fact to include the following:

The Claimant began filing his claim for benefits on January 1, 2023 and filed for benefits each week through the week ending April 29. The Claimant's weekly benefit amount (hereinafter "WBA") is \$428. The Claimant's base period includes wage credits paid between October 1, 2021, and September 20, 2022. During his employment, the Employer reported wages each quarter which varied from \$5,896 to \$9,864 and averages to \$7,555 per quarter.

During the first quarter of 2023, which began on the Claimant's original claim date, the Employer reported paying the Claimant \$7,580 or an average of \$583 in wages per week. While filing his weekly claim for unemployment insurance benefits, the Claimant only reported earning \$1,482 during the first quarter of 2023, and received partial benefits each week. The Claimant failed to report approximately \$6,000 in wages earned.

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

Not only was the Claimant not partially unemployed because he was employed in the same hours and wages, the Claimant also earned too much money each week to be considered unemployed. The Claimant can earn up to his WBA plus fifteen dollars and be considered unemployed, in this case that threshold would be \$443 a week. Based on the information available, the Claimant averaged wages of \$583 per week, which would render him employed each week and ineligible for unemployment insurance benefits.

Finally, while the overpayment has already been calculated, based on the findings of fact outlined above, the issue of whether the Claimant is subject to administrative penalties due to misrepresentation while filing for unemployment insurance benefits is remanded to the Integrity Bureau for investigation.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

SRC/fnv