

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
eab.iowa.gov**

MICHAEL J HARRELSON

Claimant

and

IWD INTEGRITY BUREAU

Employer

: **APPEAL NUMBER: 24B-UI-08266**
: **ALJ HEARING NUMBER: 24A-UI-08266**
:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**
:
:
:

SECTION: 10A.601 Employment Appeal Board Review

FINDINGS OF FACT:

A hearing on the Claimant's overpayment was held on October 7, 2024. The administrative law judge's decision determined the Claimant had an overpayment which needed to be paid because of the denial decision issued by Iowa Workforce Development (IWD) on July 12, reference 03. The administrative law judge affirmed IWD's denial decision in 24A-UI-08265-PT-T after the Claimant defaulted. The Board is remanding the hearing on the disqualification back to the Unemployment Insurance Appeals Bureau (UIAB). The outcome of that hearing may affect whether the Claimant has been overpaid benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

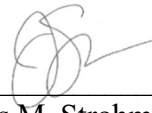
4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

Here, the Board finds that the Claimant did not participate in the hearing for the disqualification through no fault of their own and remanded it back to the UIAB for another hearing. Whether the Claimant has been overpaid benefits will be determined by that decision. As a result, for administrative efficiency, the overpayment decision is also being remanded back to UIAB to be decided with the separation decision.

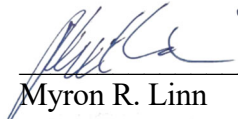
DECISION:

The decision of the administrative law judge dated October 14, 2024, is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

When you receive the Notice of Hearing, please read and follow the instructions carefully. If you do not receive a Notice of Hearing within fifteen days of the date on this decision, you must call the Unemployment Insurance Appeal Bureau to get information about the new hearing.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans

SRC/msr

DATED AND MAILED NOVEMBER 15, 2024