

486—3.7 (10A) Specific rules applicable to unemployment insurance claims.**3.7(1) Investigations.**

a. Whenever, in the course of an appeal, an investigation, inquiry, payroll audit or other examination appears necessary for a proper determination of a case, the appeal board may request such investigation, inquiry, payroll audit, or other examination through the appropriate department.

b. Hearings on the appeal shall be continued or adjourned pending the completion of such investigation, inquiry, or examination.

c. The right to be informed of, to cross-examine, to inspect, and to rebut the results of the investigation, inquiry, or examination shall be preserved to all parties to the appeal.

3.7(2) Information to be furnished.

a. Information from the records of the workforce development department, unemployment insurance division, shall be furnished to a party or the party's representative to the extent necessary for the proper presentation of an appeal upon application.

b. Applications for information from records of the division shall state the nature of the information desired.

3.7(3) Payment of benefits. If the appeal board's decision allows benefits by reversing or modifying an administrative law judge's decision, benefits shall be promptly paid. The filing of an application for a rehearing or for judicial review shall not stay the effect of the appeal board's decision.

3.7(4) Redeterminations.

a. If a claim has been decided under the gross misconduct section of the Iowa Code, a redetermination may be made anytime within five years of the effective date of the claim, even though a final decision has been made by the appeal board.

b. The redetermination may be appealed to the appeal board.

c. If the redetermination results in a reversal of an allowance of benefits and holds that the claimant was discharged for an act of gross misconduct, all benefits paid to the claimant prior to the redetermination shall be assessed as an overpayment and shall be collectible in the manner provided in Iowa Code section 96.14(3) for the collection of past due contributions.

d. If the redetermination results in an allowance of benefits by reversing a previously imposed disqualification for gross misconduct, the claimant shall be paid benefits for all weeks for which the claimant has submitted a continued claim report form.

e. A request for a redetermination may be made only by an interested party to the original case which resulted in the determination, decision, or final decision of the appeal board under the gross misconduct section.

3.7(5) Workforce development department employees as witnesses.

a. Those employees of the workforce development department directly involved in handling the claim which resulted in the appeal may be called to testify by the appeal board.

b. The employee having direct knowledge of the local job market may be called as a witness by the appeal board to testify concerning the wages, hours and other conditions of employment relating to the particular job and job market involved in the appeal.

c. The employer to whom an applicant is referred for work or who offers work or recall to work of an individual claiming unemployment insurance benefits shall be named in the appeal and shall receive all applicable notices and decisions.