

MD Not defined \$15 per instance* 13.49%

MI

Greater of 4 instances or
2% of total claims within
prior calendar year

None 9.30%

MN

Greater of 2 instances
or 2% of total claims
within prior 6 months

Employer must pay
the trust fund the
amount of the overpaid
unemployment benefits.

Additional False
Statement penalty
of \$500*

9.02%

MO

Greater of 2 instances
or 2% of total claims
within prior year

None 8.18%

MS Not defined None 15.13%

MT Not defined None 9.86%

NE Not defined Loss of appeal rights 23.87%

NH Not defined None 5.26%

NV Not defined None 13.84%

NJ

Greater of 3 instances
or 2% of total claims
within prior year

None 9.33%

NM Not defined None 10.04%

NY Not defined Employer considered
a non-interested party 6.63%

NC 2% or more of total
claims within prior year None 12.49%

ND Not defined None 10.99%

OK Not defined None 5.43%

Equifax Inc. | The New Unemployment Insurance (UI) System | 5

Image 8

State "Pattern of Failure"
Defined

Additional Employer
Penalties Beyond
Elimination
of Charge Relief

Unemployment
Benefit
Overpayment
Rate

OH 4 or more instances None 16.85%

OR Not defined None 13.50%

PA Not defined None 22.77%

RI Not defined None 6.29%

SC 3 or more instances
within a calendar year None 13.44%

SD Not defined None 14.04%

TN Not defined None 10.64%

TX 2 or more instances None 9.69%

UT Not defined None 17.47%

VA 4 or more instances \$75 after third offense 18.70%

VT Not defined \$100 per instance* 3.74%

WA
Greater of 3 instances
within prior two
years or 20% of total
current claims
None 10.55%

WV Not defined None 6.13%

WI 5% or more of cases
appealed to tribunal
Revocation of right to
agent representation 14.31%

WY

Greater of 2 instances
or 2% of total claims
within prior year

None 12.94%

As of 01/30/2014.

* This penalty was in the law prior to the new UI Integrity legislation.

A New Perspective on UI Compliance

In compliance with this federal initiative, states are shifting increasing responsibility for UI Integrity to employers by enforcing more stringent penalties for non-compliance (Fig. 5). Employer response to unemployment claims is no longer perceived as a choice, but as a requirement that must be fulfilled in order to remain compliant with the new state regulations. Specifically, the employer perspective toward response to claims has transitioned in the following manner:

Equifax Inc. | The New Unemployment Insurance (UI) System | 6

Image 9

In the Past: Employers often made a choice between responding or not responding to an unemployment claim (i.e., while it was always technically required, a response was only considered worthwhile if the employer felt that benefits should not be paid to the claimant).

Moving Forward: Employers are required to respond to all claims in order to not only remain in compliance with new state regulations, but now to avoid real financial

repercussions as well.

While employers have historically been inclined to respond (i.e., protest) only to those unemployment claims that were considered inaccurate, they will now be required to respond to all claims, regardless of their perceived legitimacy, in order to remain compliant with emerging state regulations and minimize their financial exposure.

AK

CA

UT

NV

AZ

NM

CO

NE

KS

OK

TX

LA

AR

MO

IA

MN

WI

IL

TN

KY

MI

IN

OH

WV

PA

VA

NC

SC

GA

FL

ALMS

NY

ME

HI

OR

WA

MT ND

SD

WY

ID

Already live (39 jurisdictions)

Live in 2014 (7 jurisdictions)

Live in 2015 (2 jurisdictions)

Unknown (5 jurisdictions)

CT

DC

DE

MA
MD
NH
NJ
PR
RI
VI
VT

Figure 6: State Adoption of SIDES

Source: NASWA/UISIDES.org, 2013; data provided as of 02/04/2014

Equifax Inc. | The New Unemployment Insurance (UI) System | 7
Equifax Inc. | The New Unemployment Insurance (UI) System | 7

Image 10

A Successful Strategy Moving Forward

With compliance functioning as a critical element of the unemployment claims management process moving forward, there are several proactive strategies for conforming to these new regulations while preventing unnecessary benefit payments.

Rapid and accurate claims response: Providing timely, accurate, and complete documentation in response to all claims is critical to not only avoiding non-compliance penalties, but to ensure proper determinations and minimize improper payments as well. The use of the State Information Data Exchange System (SIDES), which is now available in the majority of states (Fig. 6), expedites the delivery of critical claims information online while simultaneously supporting data integrity.

Note: Front-end case management applications can further enhance the SIDES interface through a customized information response interface—ensuring that

employers provide adequate claims response in the most efficient manner.

Easy access to employee data and case history: The availability of key data, notes, and documentation, which is needed in response to state requests regarding unemployment claims, ensures that employers are able to provide required information in a timely and accurate manner.

Comprehensive workforce data reporting and benchmarking: Robust reporting of unemployment claims management results, such as protest rates, win rates, and compliance, can help employers identify opportunities for improvement while assessing performance in comparison to industry standards.

Comprehensive employee training: It is critical that HR personnel, as well as any managers involved in the hiring and termination process, are provided with training regarding how to most effectively take the required steps for employee review, document cases of misconduct, and respond to requests from state agencies.

Updating state databases: By responding promptly to Wage Earning Verification requests and reporting new hires and re-hires to the states (including the National Directory of New Hires within 20 days of hire), employers ensure that state agencies are provided with data necessary for accurate unemployment eligibility determinations.

Adherence to these guidelines will not only reduce benefit overpayments, but will help improve state agencies' efficiency in administering the process while ensuring that employers' financial exposure (in light of new compliance legislation) is kept to a minimum.

Equifax Inc. | The New Unemployment Insurance (UI) System | 8

Image 11

References

¹ U.S. Bureau of Labor Statistics, 2013

² Internal Revenue Service (FUTA), 2013

For more information, please contact:

moreinfo@equifax.com

800-888-8277

www.equifaxworkforce.com

Contact Us Today

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Image 12

EFX-WS-4101-02/11/2014

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To learn about Equifax
Unemployment Cost Management
Solutions, please visit
www.equifaxworkforce.com.

- [Image 1](#)
 - [Image 2](#)
 - [Image 3](#)
 - [Image 4](#)
 - [Image 5](#)
 - [Image 6](#)
 - [Image 7](#)
 - [Image 8](#)
 - [Image 9](#)
 - [Image 10](#)
 - [Image 11](#)
 - [Image 12](#)
 - [Image 13](#)
 - [Image 14](#)
 - [Image 15](#)
 - [Image 16](#)
 - [Image 17](#)
 - [Image 18](#)
 - [Image 19](#)
 - [Image 20](#)
 - [Image 21](#)
 - [Image 22](#)
 - [Image 23](#)
 - [Image 24](#)
-

Image 1

UI INTEGRITY WEBINAR CROSS MATCH & WAGE AUDITS

March 12, 2014March 12, 2014

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Image 2

Our Panel of SpeakersOur Panel of Speakers

Equifax Workforce Solutions

Lori Roberts

Sr. Manager

Government Relations

Sheldon Jackson

Director

UC Product Management

Sheldon Jackson

Director

UC Product ManagementGovernment Relations

(614) 658-3102

Lori.Roberts@Equifax.com UC Product Management

(314) 684-2050

Sheldon.Jackson@Equifax.com UC Product Management

(314) 684-2050

Sheldon.Jackson@Equifax.com

Michelle Dooley

Director

UC Product Management

(314) 214-7731

Michelle.Dooley@Equifax.com

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Image 3

UI Integrity Webinar UI Integrity Webinar *Today's Agenda*

Refresh on UI Integrity

UI Integrity Updates

Identifying Improper Payments
through UC Data Cross Matchthrough
UC Data Cross Match

Verifying Improper Payments
through Wage Audits

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Image 4

***UI Integrity has been an increasing
focus for the Department of
Labor in recent yearsLabor in
recent years***

***Unemployment Insurance (UI)
Integrity Defined***

Focused on the elimination of
improper benefit payments

***Unemployment Insurance (UI)
Integrity Defined***

improper benefit payments

Supported by the quality of the information provided to the state

Ensuring an efficient UI system that provides funding for those

actively seeking reemployment

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Image 5

Faced with elevated improper payment rates, states are shifting the responsibility for UC compliance to employers

Increased Unemployment Cost

Economic Recession A Focus on UI Integrity

Peak

*Recessionary
Period*

\$41B in annual
unemployment *Conforming legislation now in effect*

7%

8%

9%

10%

11%

Period

benefits¹

National

Unemployment Rate

7.3%

gg

in all 53 jurisdictions

4%

5%

6%

'12'11'08 '10'09 \$4.48B in improper benefits¹

Unemployment Rate

Increased benefit payments

11% improper charges¹

2010-2012 overpayments: \$16.64B¹

Improper payment detection

Implementation of SIDES²

New compliance legislation

Increased unemployment rates

Additional benefit claims

Insolvent state trust funds

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¹ U.S. Department of Labor, 2013

² State Information Data Exchange System

Image 6

UI Integrity law is shifting the focus of claims response from protest decisions to compliance requirements

The Trade Adjustment Assistance Extension Act of 2011

State UI agencies must prohibit relieving employers of benefit charges to their

unemployment tax account *when both of the following exist:*

UI benefits were improperly paid due to failure to respond timely or adequately

to the state's request for information relating to the claim

The employer has established a pattern of failing to respond timely or adequately

States were required to enact their conforming UI laws by October 21, 2013 to remain in compliance with this federal mandate.

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Image 7

The TAAEA of 2011 directs all states to prohibit the relief of unemployment benefit charges

End of benefit period

Initial Charges

Successful Appeal

Charges discontinued
No charge relief

Employers expected to improve quality of information provided to states in

Cgg

...Week 17+Week 6Week 5Week 4Week 3Week 2Week 1 Week 7...

Employers expected to improve quality of information provided to states in initial response vs. perfecting at a later date

Federal mandate does not include loss of appeal rights, although this can be included at the state level

Resulting increases in benefit charges may negatively impact employer UI tax rates moving forward

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Image 8

In response to the federal mandate, some common interpretations have emerged in state unemployment lawshave emerged in state unemployment laws

Timely Response: A “timely response” has been interpreted by most states to be in the range of 7-10 days (similar to previous guidelines).

Adequate Response: While it is clear that information should be provided in response to every question in the request for information relating to the claim (as demonstrated through the SIDES framework), the exact level of detail and documentation required to ensure compliance is more difficult to define. Both employers and their Unemployment Cost Management providers will need to monitor state Management providers will need to monitor state determinations, including the level of detail that prompts successful appeals, in order to develop a reasonable understanding of state requirements moving forward.

Pattern of Failure: The criteria for sustaining a “pattern of failure” has been more distinctly defined with many states interpreting this as the greater of two or more instances or two percent or more of claims within the prior year.

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Image 9

State UI agencies may impose penalties in addition to prohibition of benefit charge relief

California: 1Up to 10 times the weekly benefit amount (false statement penalty)

Louisiana: 1\$50 - \$1000 (false

New York: Employer considered a non-interested party

Louisiana: \$50 \$1000 (false statement penalty)

Maryland: 1\$15 penalty per instance

Massachusetts: 1\$25 penalty per instance and loss of appeal rights

Vermont: 1\$100 penalty per instance

Virginia: \$75 penalty after third offense

instance and loss of appeal rights

Minnesota: Employer must pay the trust fund the amount of the overpaid benefits (insufficient res

ponse penalty); 1Up to \$500 false

Wisconsin: Revocation of right to agent representation

ppy);p\$

statement penalty

Nebraska: Loss of appeal rights

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1Existed in state unemployment laws prior to new UI Integrity legislation

Image 10

State UI Agencies are beginning to issue UI Integrity notices and guidance guidance

Arkansas

<http://www.arkansas.gov/esd/News/Regulations.htm#R15>

MhttMassachusetts

<http://www.mass.gov/lwd/unemploymentinsur/employers/timely-return-of-claimnotifications.html>

North Carolina

http://www.ncesc1.com/HB4/EMPLOYER_MEMO9.11.13_M.pdf

OhioOhio

<http://jfs.ohio.gov/factsheets/UCemployerBenefitResponsibilities.stm>

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Image 11

State UI Agencies are beginning to track untimely and inadequate

claims response claims response

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Image 12

The State Information Data Exchange System (SIDES) was developed to promote UI integrity

A secure, web-based interface facilitating direct data exchange

46 states will be on SIDES by the end of 2014

facilitating direct data exchange with state unemployment insurance agencies

Provides clients with optimal time for gathering separation details and documentation

Increases accuracy of response via standardized information

request

Reduces additional state requests for information and

employer effort in responding to
these re

quests

Already live (38 Jurisdictions)

Live in 2013 (4 Jurisdictions)

Live in 2014 (4 Jurisdictions)

Unknown (7 Jurisdictions)

Jurisdictions include 50 U.S. States, DC, PR, and VI; data updated as of 11/1/2013

q

Decreases in erroneous benefit
charges leads to more accurate
employer tax rates

Unknown (7 Jurisdictions)

Confidential and Proprietary 1212

Image 13

***Employers must now respond to all
claims to remain compliant and
avoid financial penaltiesavoid
financial penalties***

***A Matter of Compliance A Protest
Decision***

Moving Forward: Employers are required

to respond to all claims in order to remain in compliance with new regulations and avoid financial penalties.

Previous

y: Employers made a choice between responding or not responding to unemployment claims - often responding only if it was considered an

improper claim

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improper claim.

Image 14

A successful strategy for UI compliance requires a proactive focus

that focuses attention on the quality of information provided to states

Rapid and accurate claims response

Easy access to employee data and case history

Comprehensive workforce data
reporting and benchmarking

Comprehensive employee training

Updating state databases Updating state
databases

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Image 15

UC DATA CROSS MATCH UC DATA CROSS MATCH

Detection of Improper Benefit Charges

© Equifax Confidential and Proprietary

Image 16

*Despite state efforts toward UI
Integrity, unemployment benefit
t i i ifi t bl overpayments remain a*

significant problem

Improper Benefit Payments

Unemployment Benefits Paid

Improper Benefit Payments

Approximately 11% of total unemployment benefits

11%

Contribute to annual state losses of over \$4 billion

Most common offenders are

It t EI Th t ti l i t t l f il i

\$4.48 billion in improper benefits

claimants who already have a new job

Impact to Employers — The potential impact to employers for a single improper unemployment claim is between \$3,987 - \$14,633* (depending on your state)!

* Source: DOL 2013; average cost = avg weekly benefit payment x average length of claim x

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* Source: DOL, 2013; average cost = avg. weekly benefit payment x average length of claim x replacement cost multiple (exact cost is dependent on state-specific parameters)

Image 17

Current efforts by state agencies to identify improper benefit payments are challenged by inadequate and untimely data

National Directory of New Hires

(NDNH) State

Benefit

Charged to

Limited Data: Includes records from only about 50% of employers

YO

Delayed & Incomplete:

Current databases **NDNH**

Agency

**Claim
Validation**

**Charged to
Employer**

Improper

Delayed Updates: Unavailable for several weeks to several months after new hire

are not up-to-date and lack wage data

NDNH

**Hiring
Detection**

**State
Agency**

Payments

Incomplete Records: Does not include a complete employment + earnings picture

Wage

Audit Delayed &

Incomplete:
Employers verify only 50%

New

Employer

Agency

Improper Payments

Result - *Claimants receive benefits for weeks after finding new employment – and reimbursing employers may not receive a credit until the state retrieves the improper benefits*

State Agency

Wage

Verification

only 50%
of wage audits

Identified Improper Payments Stopped

Payments

Confidential and Proprietary 17

the improper benefits

Image 18

***Cross matching benefit charges
against Equifax's UC database***

***id f h d d t ti f i t* provides for enhanced detection of improper payments**

Id Hii Dtti Sd Increased Hiring Detection Speed Provides data as soon as payroll cycle is complete

2.5x Estimated Savings Impact

Expanded Hiring Detection Coverage - Includes over 40 million annual payroll records representing

1x

the most comprehensive workforce database available

Complete Records - Offers both Equifax UC State ***Complete Records*** -

Offers both
employment and wage data,
reducing the need for additional
w

age investigation

qu a UC
Data Cross
Match

Sae

Databases

Confidential and Proprietary 18

age est gat o

Image 19

***Equifax Cross Match is available in
all states that provide benefit
history detail on a***

weekly basis

Cross Match is a unique benefit
Cross Match is a unique benefit
included in our UC solution

Currently available in sixteen states

Improper payments can be detected in
a significant portion of the Northeast
and Midwest United States

Coverage will continue to expand as
Coverage will continue to expand as
states upgrade charge reporting
systems

New clients also benefit from a Retro

States in which standard charge auditing is available

Cross Match solution that detects
improper charges up to two years back

States in which UC Data Cross Match (in addition to
standard charge auditing) is available

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Image 20

WAGE AUDITS WAGE AUDITS

Verification of Improper Payments

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Image 21

What We Know – Industry Challenges and Key Strategies

Industry Challenge

IPIA Data (7/1/20012 – 6/30/2013)

yg

Elevated Benefit Overpayments have led to more aggressive pursuit of wage data & legislation which can result in greater monetary

- Above 14%
- 12.00 – 13.99%
- 10.00 – 11.99%

Overpayment Rate

legislation which can result in greater monetary

risks to employers for failure to comply

8.00 – 9.99%

6.00 – 7.99%

0.00 – 5.99%

KEY STRATEGIES

SIDES **Strategies specifically**

targeting the collection of

dt dt ti ti Financial Data Pilot

TOP (Treasury Offset Program)

**data, detection, prevention,
and recovery of improper
payments**

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Image 22

***Growing Complexity and Penalties
Associated with Wage Audit***

26.50

- Strict

DeadlinesDeadlines

- Monetary

Penalties

- Greater

Payroll Detail

Required Required

14.00

- Lenient or • Lenient or

No

Deadline

- No

Monetary

Penalties Penalties

Increasing complexity due to detail required to prosecute fraud

D dli d lti t li

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Deadlines and penalties to encourage compliance

Image 23

Trending Activities Around Wage Audit and EWS Solutions Update

Wage Audit Response Requirements included in UI Integrity Legislation

More States Adding Penalties for Non Compliance

Tracking of Overpayment and Underpayments

More Aggressive Follow Up

Solutions

Equifax is Actively Working At State and Federal Level

- SIDES EV Employer and State Committee Participation

Product Development

- Equifax is developing a solution to help with employer compliance provide tracking and reporting

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Equifax is developing a solution to help with employer compliance, provide tracking and reporting capabilities.

Image 24

All survey respondents will receive a copy of today's presentation as well as our updated White Paper entitled Unemployment Insurance (UI) Integrity: A Focus on Compliance

For additional information about Unemployment Cost Management services from Equifax, contact us at employmenttaxservices@Equifax.com

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Message: Update the addresses and the points-of-contact to receive the quarterly detailed benefit payment data for FIC 374, FIC 677, and FIC 808

Case Information:


Message Type: Exchange
 Message Direction: External, Inbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:22 PM
 Item ID: 40861665
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Update the addresses and the points-of-contact to receive the quarterly detailed benefit payment data for FIC 374, FIC 677, and FIC 808**

From Le, Cindy - ETA **Date** Thursday,
May 08, 2014 3:29
PM

To Le, Cindy - ETA

Cc D'Amore, Barbara - ETA; Fox, Paul - ETA; Williams-Raysor, Rosemary - ETA; Ribnick, Keith - ETA; Scott, John - ETA; Sukhram, Noel - ETA

Hello all,

Please correct the following information in the TEN 23-13 Directory of Federal Civilian and Military Agencies requesting Quarterly UCFE/UCX Detailed Benefit Payment Data, dated March 11, 2014.

The addresses and points-of-contact to receive the quarterly detailed benefit payment data for unemployment compensation has been changed (**highlighted in red**) for the agency codes below:

1. **374 U.S. Election Assistance Commission**
 1335 East Way Highway, Suite 400
 Silver Spring, MD 20910
 Attn: Sheila Banks

For more information, please contact Ms. Banks - phone (301) 563-3925

2. **677 U.S. Peace Corps**

Attn.: Tasha Espinoza
Office of Budget and Analysis, Rm. 4103

1111 Twentieth Street, N.W.
Washington, DC 20526

For more information, please contact Ms. Espinoza - phone (202) 692-1911

3. **808 Commander, Navy Installation Command – NAF**

Attn: Patricia Spakes
Fleet Family Readiness N941
5720 Integrity Drive, Bldg. S-457
Millington, TN 38055

For more information, please contact Ms. Spakes - phone (901) 874-6704

- Special note: This email must only be applicable for the quarterly detailed benefit payment data (or the quarterly summary charges statement) and not any other correspondences.

Please forward this information to the appropriate staff.

If you have any questions or need additional information, please contact me.

Thank you for your assistance.

Cindy Le
ETA/Office of Unemployment Insurance
Department of Labor
Phone (202) 693-2829

Message: ETA 191 report for the quarter ending 03/31/2014

Case Information:

Message Type: Exchange
Message Direction: External, Inbound
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:15 PM
Item ID: 40861467
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **ETA 191 report for the quarter ending 03/31/2014**

From Le, Cindy - ETA **Date** Tuesday, May 27, 2014 3:44 PM
To Brown, Lisa [IWD]
Cc Scott, John - ETA

 **IA ETA 191 03 31 2014.doc** (73 Kb HTML)

Hi Lisa,

I need your assistance on the ETA 191 report and the quarterly detailed benefit payment data from the State of Iowa.

Staffs in the U.S. House of Representatives/FIC 002 informed us that they had an issue with a difference between the amount reported per the quarterly detailed benefit payment data (or summary listing charged statement) and the amount reported per the ETA 191 report for Iowa in the QE 03/31/2014 as listed below.

ETA 191 report: \$0.00 (see the attachment for more details)
Detailed benefit payment data: \$1,632.00 (your state sent that report to FIC 002)

Please let us know which one is correct at your convenience.

Thank you for your help in this matter.

Cindy Le
ETA/OUI
Department of Labor
(202) 693-2829

**ETA 191 - STATEMENT OF EXPENDITURES & FINANCIAL ADJS
OF FEDERAL FUNDS FOR UC FOR UCFE-UCX**

STATE	REGION	REPORT FOR PERIOD ENDING	
Iowa	05	03/31/2014	
SECTION A: SUMMARY STATEMENT OF EXPENDITURES AND ADJUSTMENTS			
		UCFE	UCX
1.	Benefit Expenditures	562,543.89	1,277,820.55
2.	Adjustments Assigned to Agencies:		
	(a) Cancellations	(0.00)	(0.00)
	(b) Restoration of Overpayments	(66,364.90)	(11,471.36)
	(c) Other - Explain in Comments	0.00	0.00
3.	Total Assigned Expenditures and Adjustments (Items 1 and 2; these totals must match the totals reported in Section B.)	496,178.99	1,266,349.19
4.	Expenditures and Adjustments Not Assigned to Agencies:		
	(a) Penalties and Interest	(0.00)	(0.00)
	(b) Other - Explain in Comment	-52,767.02	-6,657.36
5.	Total Expenditures and Adjustments Not Assigned to Agencies (Items 4a and 4b)	-52,767.02	-6,657.36
6.	Grand Total - All Expenditures and Adjustments (Items 3 and 5)	443,411.97	1,259,691.83

**ETA 191 - STATEMENT OF EXPENDITURES & FINANCIAL ADJS
OF FEDERAL FUNDS FOR UC FOR UCFE-UCX**

STATE	REGION	REPORT FOR PERIOD ENDING	
Iowa	05	03/31/2014	
SECTION B: DETAILED STATEMENT OF EXPENDITURES AND ADJUSTMENTS BY FEDERAL (CIVILIAN) AND MILITARY AGENCIES			
Agency Code	Agency Title	Expenditures and Adjustments	
		UCFE	UCX

(1)	(2)	(3)	(4)
112	Administration Office of the United States Courts	9,680.00	
405	State, Department of	2,394.00	
410	Treasury, Department of the	7,254.00	
422	Department of the Army - civilian	102,717.83	
424	Department of the Air Force - civilian	20,924.33	
440	Department of the Interior	47,320.65	
445	Agriculture, Department Of	3,179.75	
455	Labor, Department Of	-531.00	
484	DHS/Transportation Security Administration	24,872.12	
574	DHS/Federal Emergency Management Agency	85,934.12	
600	General Services Administration	-839.00	
687	Social Security Administration	264.00	
732	U.S. Postal Service	125,248.01	
735	Department of Veterans Affairs	68,027.18	
801	Department of the Army - military		775,041.08
802	Department of the Navy - military		119,511.74
803	Department of the Air Force - military		111,018.89
804	United States Marine Corps- military		252,521.48
805	United States Coast Guard - military		8,256.00
913	Bureau of Census-FY 2010 decennial census	-267.00	
Total Expenditures Assigned to Agencies		496,178.99	1,266,349.19
<ul style="list-style-type: none"> • Positive numbers indicate amounts paid out (e.g., benefit payments) • Negative numbers indicate amounts that decrease net expenditures 			

OMB No.: 1205-0162 **OMB Expiration Date:** 03/31/2016 **OMB Burden Minutes:** 360

OMB Burden Statement: OMB Burden Statement: These reporting instructions have been approved under the Paperwork reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a valid OMB control number. Public reporting burden for this collection of information includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Submission is required to obtain or retain benefits under SSA 303(a)(6). Respondents have no expectation of confidentiality. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Workforce Security, Room S-4524, 200 Constitution Ave., NW, Washington, DC, 20210.

Message: RE: ETA 191 report for the quarter ending 03/31/2014

Case Information:

Message Type: Exchange
Message Direction: External, Inbound
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:15 PM
Item ID: 40861472
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: ETA 191 report for the quarter ending 03/31/2014

From Le, Cindy - ETA **Date** Friday, May 30, 2014 9:57 AM
To Brown, Lisa [IWD]
Cc Scott, John - ETA

Good morning Lisa,

The system does not allow the user to revise the 1st ETA 191 report CY 20124 because it was aggregated and sent the bills out to the appropriate federal agency. Your state needs to show these corrections on subsequent reports [**QE 06/30/2014**].

Below is the instructions how to report the UCFE was omitted [US House of Representatives/agency code 002] on the ETA 191 report for the QE 03/31/2014:

For the quarter ending 06/30/2014, ETA 191 report:

I. Section A: Summary Statement of Expenditure and Adjustments

Item 2 Adjustment Assigned to Agencies

Line (C) Increase \$1,632.00 at the column UCFE.

II. Section B: Detailed Statement of Expenditures and Adj. by Federal & Military Agencies

Add \$1,632.00 to the current benefits during the period 04/01/2014 through 06/30/2014 for FIC 002.

(*) This procedure is based upon the instruction UI report Handbook No.401, ETA 191, Statement of Expenditures and Financial Adjustment of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Service members, page II-3-7.

Please let me know if I can be of further assistance.

Thank you.

Cindy Le
ETA/OUI
Department of Labor
(202) 693-2829

From: Brown, Lisa [IWD] [mailto:Lisa.Brown@iwd.iowa.gov]
Sent: Wednesday, May 28, 2014 1:58 PM
To: Le, Cindy - ETA
Cc: Scott, John - ETA
Subject: RE: ETA 191 report for the quarter ending 03/31/2014

Cindy:

I just checked my information and realize that I just missed that number when inputting the totals on the report, is there something that I need to do to fix this report for you? Please let me know as the US House of Representatives amount should be \$1,632.00, which would make the total expenditures on line 3 be \$497,801.99.

Sorry for the confusion and inconvenience. Just let me know what I need to do to correct for you and I would be happy to do so.

Thanks,

Lisa Brown

Accountant 2
Iowa Workforce Development
Financial Management
1000 E Grand Ave
Des Moines IA 50319
Phone: 515-281-7809
Fax: 515-281-6046

From: Le, Cindy - ETA [mailto:Le.Cindy@dol.gov]
Sent: Tuesday, May 27, 2014 3:45 PM
To: Brown, Lisa [IWD]
Cc: Scott, John - ETA
Subject: ETA 191 report for the quarter ending 03/31/2014

Hi Lisa,

I need your assistance on the ETA 191 report and the quarterly detailed benefit payment data from the State of Iowa.

Staffs in the U.S. House of Representatives/FIC 002 informed us that they had an issue with a difference between the amount reported per the quarterly detailed benefit payment data (or summary listing charged statement) and the amount reported per the ETA 191 report for Iowa in the

QE 03/31/2014 as listed below.

ETA 191 report: \$0.00 (see the attachment for more details)

Detailed benefit payment data: \$1,632.00 (your state sent that report to FIC 002)

Please let us know which one is correct at your convenience.

Thank you for your help in this matter.

Cindy Le
ETA/OUI
Department of Labor
(202) 693-2829

Message: Task Request: 11/2 13099.L

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:16 PM
Item ID: 40860723
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Task Request: 11/2 13099.L**

From Lewis, Devon [IWD] **Date** Thursday, October 27, 2011 3:02 PM
To UI
Cc

 **11/2 13099.L**

Subject: 11/2 13099.L
Start Date: Thursday, October 27, 2011
Due Date: Wednesday, November 02, 2011

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: word.processing.assignments.ui@iwd.iowa.gov (word.processing.assignments.ui@iwd.iowa.gov)

Message: Task Request: 11/4 13107.L

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:16 PM
Item ID: 40860728
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Task Request: 11/4 13107.L**

From Lewis, Devon [IWD] **Date** Friday, October 28, 2011 9:18 AM
To UI
Cc

 **11/4 13107.L**

Subject: 11/4 13107.L
Start Date: Friday, October 28, 2011
Due Date: Friday, November 04, 2011

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: word.processing.assignments.ui@iwd.iowa.gov (word.processing.assignments.ui@iwd.iowa.gov)

Message: RE: New Administrative Rule on Work Refusal

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:25 PM
Item ID: 40860736
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: New Administrative Rule on Work Refusal**

From Lewis, Devon [IWD] **Date** Wednesday, September 05, 2012 11:02 AM
To Seeck, Vicki [IWD]
Cc

Some thoughts:

You might want to see what other states do with this.

<http://workforcesecurity.doleta.gov/unemploy/uiilawcompar/2009/comparison2009.asp>

See Nonmonetary Eligibility section.

Offer:

In hrs I look for start date, job title and basic description, hours (shift), days, wages, and would add a required response deadline.

Refusal:

Three consecutive work/business days is reasonable from date of receipt of offer (e-mail, letter, phone, in-person). The refusal can be by non-response, or other reliable written or verbal communication, including voice mail and text.

We need to keep the reasons that a refusal would result in a finding of a certain # of weeks or indefinite non-availability ineligibility rather than a straight refusal 10x disqualification.

Method:

I agree voice mail and text messages are not adequate. In-person and phone offers have risks (he said/she said) but are certainly acceptable. I would add to the current reg/cert letter, e-mail with receipt indicator or C acknowledgement.

Devon

From: Seeck, Vicki [IWD]

Sent: Wednesday, September 05, 2012 10:39 AM

To: Ackerman, Susan [IWD]; Elder, Julie [IWD]; Hillary, Teresa [IWD]; Hendricksmeier, Bonny [IWD]; Lewis, Devon [IWD]; Donner, Lynette [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Subject: New Administrative Rule on Work Refusal

Good Morning,

Joe has asked me to draft a new administrative rule on work refusal. The director has asked that the rule be specific on what constitute a definite offer and a definite refusal. I have a due date of next Thursday to complete this project.

Considering the many ways employers and employees now communicate, one thing I wanted to do was give examples of ways of communicating. For example, I would say that a definite offer could be made in a registered letter; certified letter return receipt requested; personal meeting; and phone call where both parties actually speak to each other. Excluded would be text message and voicemail. What about email? Any thoughts on that?

Concerning a definite refusal, what do you think of a rule that says that an employee has three days to consider an offer and if no response is made to an offer within three days, the offer is deemed refused. We use three consecutive work days on temporary assignments, voluntary quits...

I hope to have a working draft by Monday and would be willing to circulate it to whoever would like to review it prior to my turning it in to Joe on Thursday. Any comments questions contributions etc. will be gratefully accepted.

Vicki

Message: No Title

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:55 PM
Item ID: 40860840
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Untitled**

From Lewis, Devon [IWD] **Date** Wednesday, April 10, 2013 10:05 AM
To Hillary, Teresa [IWD]
Cc

“The use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct, even in the case of isolated incidents or situations in which the target of abusive name-calling is not present when the vulgar statements are initially made.” *Myers v. Emp’t Appeal Bd.*, 462 N.W.2d 734 (Iowa App. 1990).

Devon

Message: RE: Sending Emails Regarding Postponements and Reschedules**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:55 PM
 Item ID: 40860843
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: Sending Emails Regarding Postponements and Reschedules

From	Lewis, Devon [IWD]	Date Wednesday, April 10, 2013 12:46 PM
To	Benson, Joni [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Ziegler, Vanessa [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]	
Cc		

 **image002.gif** (5 Kb HTML)

Good information to have/follow, Joni. Thanks for setting a uniform, simple standard.

Devon

From: Benson, Joni [IWD]
Sent: Wednesday, April 10, 2013 12:19 PM
To: Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Ziegler, Vanessa [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]
Subject: Sending Emails Regarding Postponements and Reschedules

Please remember to include whether it is the Claimant or the Employer that has made the request for a continuance or postponement.

Please fill in the Subject Line as follows – example:

12345.JBT, Claimant request for postponement

When you put the appeal number first in the subject line, it makes it easier to locate the email when you have to refer back to it.

If the clerk sends an email and doesn't say who asked for the reschedule or postponement, many times the ALJ doesn't state it either. That creates more work.

Thank you,

Joni

[Preview is not available (conversion excluded for this file type).]

Message: RE: Sending Emails Regarding Postponements and Reschedules**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:56 PM
 Item ID: 40860844
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Sending Emails Regarding Postponements and Reschedules**

From	Lewis, Devon [IWD]	Date Wednesday, April 10, 2013 12:47 PM
To	Benson, Joni [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Ziegler, Vanessa [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]	
Cc		

 **image002.gif** (5 Kb HTML)

I generally abbreviate claimant to C and employer to E and postponement to PP – is that enough?

From: Benson, Joni [IWD]

Sent: Wednesday, April 10, 2013 12:19 PM

To: Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Ziegler, Vanessa [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Subject: Sending Emails Regarding Postponements and Reschedules

Please remember to include whether it is the Claimant or the Employer that has made the request for a continuance or postponement.

Please fill in the Subject Line as follows – example:

12345.JBT, Claimant request for postponement

When you put the appeal number first in the subject line, it makes it easier to locate the email when you have to refer back to it.

If the clerk sends an email and doesn't say who asked for the reschedule or postponement, many times the ALJ doesn't state it either. That creates more work.

Thank you,

Joni

[Preview is not available (conversion excluded for this file type).]

Message: RE: Final Notice! - Iowa ALJ CLE Spring 2013 - April 22, 2013 - Agenda and Registration**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:56 PM
 Item ID: 40860846
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: Final Notice! - Iowa ALJ CLE Spring 2013 - April 22, 2013 - Agenda and Registration

From Lewis, Devon [IWD] **Date** Thursday, April 11, 2013 7:53 AM
To Wise, Steve [IWD]
Cc

I plan to attend. Will bring in my registration within a week. Thanks for the reminder.

Devon

From: Wise, Steve [IWD]
Sent: Wednesday, April 10, 2013 9:11 PM
To: Wise, Steve [IWD]
Subject: Final Notice! - Iowa ALJ CLE Spring 2013 - April 22, 2013 - Agenda and Registration

The Iowa Association of Administrative Law Judges Spring 2013 ALJ CLE is scheduled for Monday, April 22, 2013, at the Iowa State Bar Association Building at 625 E. Court Ave, Des Moines, Iowa. You can find the schedule and registration form below and attached. Registration deadline is April 17.

Our keynote presenter Professor Michael Hutter from Albany Law School. Professor Hutter is a sought-after presenter on evidence and is on the faculty of the New York Administrative Justice Institute. He authored the Conduct of the Hearing and Evidence sections of the *Manual for Administrative Law Judges and Hearing Officers*, New York State Department of Civil Service, (Rev. 2011).

The Iowa Office of Professional Regulation recently announced that attorneys must have three hours of ethics instruction every ethics biennium and approved instruction on mental health and substance abuse for ethics credit. The CLE committee has decided to include such instruction in our spring CLE, and we have lined up presentations by Hugh Grady, Director Iowa Lawyers Assistance Program, and Roxann Ryan, Attorney, Iowa Department of Public Safety, on this important topic.

Administrative Law Judge CLE Spring 2013

Monday, April 22, 2013

Iowa State Bar Association Building

625 E. Court Ave, Des Moines, Iowa

Directions - <http://tinyurl.com/dewq7e>

AGENDA

7:30 – 8 am	Registration
8 – 9:30 am	Issues in Handling Electronic Evidence. Michael Hutter, Professor, Albany Law School

9:30 – 9:45 am	Break
9:45 – 10:45 am	Handling Electronic Evidence (continued)
10:45 – 11:45 am	The Nature of the Judicial Process Steve Wise, Administrative Law Judge, Iowa Workforce Development
11:45 am – 12:15 pm	Word Origins for Lawyers Rick Autry, Staff Attorney, Employment Appeal Board
12:15 – 1 pm	Lunch
1 – 1:30 pm	The Mental Process Privilege for Judges Andy Teas, Office of Citizens' Aide/Ombudsman; William Hill, Attorney General's Office
1:30 – 2 pm	Judicial Immunity Meghan Gavin and Matt Oetker, Attorney General's Office
2 – 3 pm	Mental Health, Substance Abuse, and the Importance of Balance Hugh Grady, Director Iowa Lawyers Assistance Program
3 – 3:15 pm	Break
3:15 – 4:15 pm	Legal Ethics Issues with Stress, Substance Abuse, and Mental Illness Roxann Ryan, Attorney, Iowa Department of Public Safety
4:15 – 4:45 pm	View from Bench – Judicial Review Judge Eliza Ovrom, Polk County District Court

A short Iowa Association of Administrative Law Judges Business Meeting will follow the CLE, including elections of officers. IAALJ dues of \$35 for 2013-2014 year, due in July, can be paid now. You don't have to be an ALJ to become a member of IAALJ or the National Association of Administrative Law Judiciary as associate memberships are available. Paying IAALJ dues makes you a member of NAALJ with the membership benefits of the NAALJ Journal, conference discounts, and scholarships for conference and the National Judicial College.

Contact Chris Scase at Christie.Scase@dia.iowa.gov (515- 281-7114) or Lynette Donner at Lynette.Donner@iwd.iowa.gov (515-727-4007) if you have CLE questions.

To register for this CLE, please print out, complete, and return this form by April 17, 2013, along with a check for your registration fee of \$60 made out to "IAALJ," to:

ALJ CLE, Iowa Department of Inspections and Appeals, Administrative Hearings Division, Wallace State Office Building, 3rd Floor, 502 E. 9th Street, Des Moines IA 50319.

Name: _____

Work Phone: _____

Address: _____

Email: _____

Lunch: (Provided by Contemporary Catering)

Please check your entrée choice

____ Chicken Marsala (Mushroom and Garlic in a Marsala Wine Demi-Glace)

____ Filet of Pork Tenderloin in a White Wine, Shallot, Garlic and Dijon Cream Sauce

____ Broccoli, Garlic, Mushroom and Olive Oil Bowtie Pasta

Message: waiver form

Case Information:


Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:56 PM
Item ID: 40860847
Policy Action: Not Specified

Mark History:


No reviewing has been done

Policies:

No Policies attached

 **waiver form**

From Lewis, Devon [IWD] **Date** Thursday, April 11, 2013 10:20 AM
To Hillary, Teresa [IWD]
Cc

 **OP - Waiver.doc** (66 Kb HTML)

Devon

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p style="text-align: center;">APPEAL NO. 12A-UI--LT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>APPEAL RIGHTS:</p> <p>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:</p> <p style="text-align: center;"><i>Employment Appeal Board</i></p> <p style="text-align: center;"><i>4th Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><i>or</i></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p>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.</p> <p>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</p> <p>The name, address and social security number of the claimant.</p> <p>A reference to the decision from which the appeal is taken.</p> <p>That an appeal from such decision is being made and such appeal is signed.</p> <p>The grounds upon which such appeal is based.</p> <p>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.</p> <p>SERVICE INFORMATION:</p> <p>A true and correct copy of this decision was mailed to each of the parties listed.</p>
--	---

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>Claimant</p> <p>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p style="text-align: center;">APPEAL NO. 12A-UI--LT ADMINISTRATIVE LAW JUDGE DECISION</p>
--	--

OC: /12

Claimant: Appellant (14-R)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation in Fact-finding Interviews

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated , 201 (reference 0) that concluded he was overpaid \$.00 in benefits. A telephone hearing was held on , 201. The claimant was properly notified about the hearing and participated.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

Should the Agency recover the overpayment?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits effective , 201, based on the separation from employment from . The employer protested the claim but no one was available to take the call or provide rebuttal when the fact finding interview was held. The employer provided general conclusions—not detailed factual information—with the protest on which the employer checked the claimant . Based on the claimant's truthful statements regarding the employment situation and the lack of information from the employer, an initial determination to award benefits was made on , 201. The representative's decision concluded the claimant .

The claimant filed for and received a total of \$.00 in unemployment insurance benefits for the weeks between and , 201. The benefits were not received due to any fraud or willful misrepresentation by the claimant.

The employer appealed the decision and an appeal hearing before an administrative law judge was conducted. The administrative law judge's decision issued on , 201, reversed the decision awarding benefits. The factual findings in the decision do not show the claimant received benefits due to fraud or willful misrepresentation. That decision was upheld by the Employment Appeal Board on , 201, which became final when it was not appealed within 30 days.

The employer protested the claim and submitted a written statement and a copy of a written warning that did not include information about three-day reporting at the end of the assignment. Claimant stated at the fact-finding interview that after the termination of the assignment he reported back and requested further assignment when he picked up his check and benefits were allowed on that basis. No one from the employer was available to take the call or provide rebuttal when the fact-finding interview was held. The representative's decision concluded the claimant completed the assignment and followed the three-day reporting procedure.

The claimant filed for and received a total of \$5,302.00 in unemployment insurance benefits for the weeks between August 19, 2012 and January 19, 2013. The benefits were not received due to any fraud or willful misrepresentation by the claimant

The employer appealed the decision and an appeal hearing before an administrative law judge was conducted. In the decision of the administrative law judge issued on January 14, 2013, the judge reversed the decision awarding benefits finding the claimant quit without good cause attributable to the employer because of failure to follow the three-day reporting policy pursuant to Iowa Code § 96.5(1)j. The factual findings in the decision do not show the claimant received benefits due to fraud or willful misrepresentation. That decision became final when it was not appealed within 15 days.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether the claimant was overpaid unemployment insurance benefits. Since the decision awarding benefits was reversed and that decision became final, the claimant was overpaid \$.00 in

unemployment insurance benefits.

The next issue is whether the benefits should be recovered from the claimant.

Ref. 41, 226

The unemployment insurance law requires benefits to be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. But the overpayment will not be recovered when an initial determination to award benefits is reversed on appeal on an issue regarding the claimant's employment separation if: (1) the benefits were not received due to any fraud or willful misrepresentation by the claimant and (2) the employer did not participate in the initial proceeding to award benefits. The employer will not be charged for benefits whether or not the overpayment is recovered. Iowa Code § 96.3(7).

The definition of participation is found in Iowa Admin. Code r. 871-24.10(1). The rule requires submitting detailed factual information of the quantity and quality that if unrebutted would be sufficient to result in a decision favorable to the employer. The rules emphasize that the most effective means to participate is to provide live testimony at the interview from a witness with firsthand knowledge of the events leading to the separation. If no live testimony is provided, the employer must provide the name and telephone number of an employee with firsthand information who may be contacted, if necessary, for rebuttal. Written or oral statements or general conclusions without supporting detailed factual information and information submitted after the fact-finding decision has been issued are not considered participation within the meaning of the statute.

The \$.00 in benefits the claimant received were not the result of fraud or willful misrepresentation by the claimant and the employer failed to participate in the proceedings that led to the initial award of benefits because . As a result, recovery of the overpayment is waived.

DECISION:

The unemployment insurance decision dated , 201 (reference 0) is . The claimant was overpaid \$.00 in benefits, andbut recovery of the overpayment iscannot be waived. The matter of implementing this decision to adjust the overpayment amount to zero is remanded to the Agency.

Dévon M. Lewis

Administrative Law Judge

Decision Dated and Mailed

dml/

Message: FW: 3 main issues to address with Claims**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:56 PM
 Item ID: 40860859
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: 3 main issues to address with Claims**

From Lewis, Devon [IWD] **Date** Tuesday, April 23, 2013 8:56 AM
To Hillary, Teresa [IWD]
Cc

fyi

From: Lewis, Devon [IWD]
Sent: Tuesday, April 23, 2013 8:53 AM
To: Wise, Debra [IWD]
Subject: RE: 3 main issues to address with Claims

Do you have any specific examples with ANDS decisions or your decisions that I can refer to? I will compare this with what I have and what Randy has submitted and at least address the overlapping examples in this first meeting. Joe is the one that made the committee assignments.

From: Wise, Debra [IWD]
Sent: Monday, April 22, 2013 8:58 PM
To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Cc: Walsh, Joseph [IWD]
Subject: 3 main issues to address with Claims

1. If there is an employment Separation for health reasons, also issue an A & A decision – right away. Many times the determinations says VQ for health reasons, but on NRMO they input it as an A & A.
2. Set out the difference between still employed same hours and wages and partially unemployed. Many determinations holding a claimant not eligible for same hours and wages penalize a claimant for accepting a part time job after they have lost their full time job. **(I would really like to be part of this discussion. I don't think these 2 provision are understood and should be discussed.)**
3. When we remand for an overpayment (when we reverse a determination that initially held a claimant eligible) since we have directed the Claims to decide overpayment and waiver of overpayment, why can't they put in the overpayment determination a claimant is not eligible for a waiver of the overpayment and the reason why.
4. The timely protest while is an issue - I'll get more info to you later and is not as major a concern as the others.

Message: FW: 3 main issues to address with Claims

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:56 PM
Item ID: 40860858
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: 3 main issues to address with Claims**

From Lewis, Devon [IWD] **Date** Tuesday, April 23, 2013 8:56 AM
To Hillary, Teresa [IWD]
Cc

fyi

From: Wise, Debra [IWD]
Sent: Tuesday, April 23, 2013 8:56 AM
To: Lewis, Devon [IWD]
Subject: RE: 3 main issues to address with Claims

Interesting since he told me earlier I would be part of the committee talking to Claims. Oh well – par for the course

From: Lewis, Devon [IWD]
Sent: Tuesday, April 23, 2013 8:53 AM
To: Wise, Debra [IWD]
Subject: RE: 3 main issues to address with Claims

Do you have any specific examples with ANDS decisions or your decisions that I can refer to? I will compare this with what I have and what Randy has submitted and at least address the overlapping examples in this first meeting. Joe is the one that made the committee assignments.

From: Wise, Debra [IWD]
Sent: Monday, April 22, 2013 8:58 PM
To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Cc: Walsh, Joseph [IWD]

Subject: 3 main issues to address with Claims

1. If there is an employment Separation for health reasons, also issue an A & A decision – right away. Many times the determinations says VQ for health reasons, but on NRMO they input it as an A & A.
2. Set out the difference between still employed same hours and wages and partially unemployed. Many determinations holding a claimant not eligible for same hours and wages penalize a claimant for accepting a part time job after they have lost their full time job. **(I would really like to be part of this discussion. I don't think these 2 provision are understood and should be discussed.)**
3. When we remand for an overpayment (when we reverse a determination that initially held a claimant eligible) since we have directed the Claims to decide overpayment and waiver of overpayment, why can't they put in the overpayment determination a claimant is not eligible for a waiver of the overpayment and the reason why.
4. The timely protest while is an issue - I'll get more info to you later and is not as major a concern as the others.

Message: FW: 3 main issues to address with Claims**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:56 PM
 Item ID: 40860860
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ FW: 3 main issues to address with Claims

From Lewis, Devon [IWD] **Date** Tuesday, April 23, 2013 12:31 PM
To Hillary, Teresa [IWD]
Cc Walsh, Joseph [IWD]

From: Lewis, Devon [IWD]
Sent: Tuesday, April 23, 2013 12:29 PM
To: Wise, Debra [IWD]
Subject: RE: 3 main issues to address with Claims

1 and 2 are already in my notes. I'll add 3 and wait for more info on 4. I'm sure there will be more meetings.

From: Wise, Debra [IWD]
Sent: Monday, April 22, 2013 8:58 PM
To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Cc: Walsh, Joseph [IWD]
Subject: 3 main issues to address with Claims

1. If there is an employment Separation for health reasons, also issue an A & A decision – right away. Many times the determinations says VQ for health reasons, but on NRMO they input it as an A & A.
2. Set out the difference between still employed same hours and wages and partially unemployed. Many determinations holding a claimant not eligible for same hours and wages penalize a claimant for accepting a part time job after they have lost their full time job. **(I would really like to be part of this discussion. I don't think these 2 provision are understood**

and should be discussed.)

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-

Message: FW: 3 main issues to address with Claims

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:57 PM
Item ID: 40860862
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: 3 main issues to address with Claims**

From Lewis, Devon [IWD] **Date** Tuesday, April 23, 2013 12:33 PM
To Hillary, Teresa [IWD]
Cc

From: Wise, Debra [IWD]
Sent: Tuesday, April 23, 2013 12:32 PM
To: Lewis, Devon [IWD]
Subject: RE: 3 main issues to address with Claims

Don't worry this is between me and Joe now

From: Lewis, Devon [IWD]
Sent: Tuesday, April 23, 2013 12:29 PM
To: Wise, Debra [IWD]
Subject: RE: 3 main issues to address with Claims

1 and 2 are already in my notes. I'll add 3 and wait for more info on 4. I'm sure there will be more meetings.

From: Wise, Debra [IWD]
Sent: Tuesday, April 23, 2013 8:56 AM
To: Lewis, Devon [IWD]
Subject: RE: 3 main issues to address with Claims

Interesting since he told me earlier I would be part of the committee talking to Claims. Oh well – par for the course

From: Lewis, Devon [IWD]
Sent: Tuesday, April 23, 2013 8:53 AM
To: Wise, Debra [IWD]
Subject: RE: 3 main issues to address with Claims

Do you have any specific examples with ANDS decisions or your decisions that I can refer to? I will compare this with what I have and what Randy has submitted and at least address the overlapping examples in this first meeting. Joe is the one that made the committee assignments.

From: Wise, Debra [IWD]
Sent: Monday, April 22, 2013 8:58 PM
To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Cc: Walsh, Joseph [IWD]
Subject: 3 main issues to address with Claims

1. If there is an employment Separation for health reasons, also issue an A & A decision – right away. Many times the determinations says VQ for health reasons, but on NRMO they input it as an A & A.
2. Set out the difference between still employed same hours and wages and partially unemployed. Many determinations holding a claimant not eligible for same hours and wages penalize a claimant for accepting a part time job after they have lost their full time job. **(I would really like to be part of this discussion. I don't think these 2 provision are understood and should be discussed.)**
3. When we remand for an overpayment (when we reverse a determination that initially held a claimant eligible) since we have directed the Claims to decide overpayment and waiver of overpayment, why can't they put in the overpayment determination a claimant is not eligible for a waiver of the overpayment and the reason why.
4. The timely protest while is an issue - I'll get more info to you later and is not as major a concern as the others.

Message: temp assignment question

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:57 PM
Item ID: 40860872
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **temp assignment question**

From Lewis, Devon [IWD]

Date

Wednesday,
May 01, 2013
11:49 AM

To Wise, Steve [IWD]; Mormann, Marlon [IWD];
Hendricksmeier, Bonny [IWD]; Walsh, Joseph [IWD];
Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder,
Julie [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD];
Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson,
Randall [IWD]; Timberland, James [IWD]; Wise, Debra
[IWD]

Cc

Is there general agreement among ALJs about whether to address both the separation from the temp assignment issue (misconduct, for example) and the reporting for reassignment issue under 96.5(1)? Do you handle the misconduct separation from the assignment at all or just go to the reporting issue, or both in that order?

I'd like to know before I couch this as a training issue for fact-finders.

Thanks,
Devon

Message: FW: Determination - Bobbi Craig

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:31:57 PM
Item ID: 40860873
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: Determination - Bobbi Craig**

From Lewis, Devon [IWD] **Date** Wednesday, May 01, 2013 11:53 AM
To Walsh, Joseph [IWD]
Cc Hillary, Teresa [IWD]

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This why I have issues with Tax. Dan and I have both looked for this and could not find it. The employer denies getting it either. And it wasn't issued until 6 months after MP asked for it in an audit. We need to have a Tax/Appeals meeting too, like the ones with Claims. (The E withdrew the appeal on the separation.)

Devon

From: Piagentini, Mary [IWD]
Sent: Tuesday, April 30, 2013 10:48 AM
To: Lewis, Devon [IWD]
Subject: Determination - Bobbi Craig

See the attached determination dated 1/5/12....yes, it was mailed 1/5/12 and nobody told you....

Let me know if you need anything further....

Mary Piagentini, Auditor
Quality Control Bureau
Iowa Workforce Development
Phone: 515-281-3716

Fax: 515-242-5025

Mary.Piagentini@iwd.iowa.gov

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