

**Message: OT Request**

**Case Information:**  
Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:55 PM  
Item ID: 40862354  
Policy Action: Not Specified

**Mark History:**  
No reviewing has been done

**Policies:**  
No Policies attached

**OT Request**

**From** Linnenbrink, Jonathan [IWD] **Date** Wednesday, March 19, 2014 10:54 AM  
**To** Eklund, David [IWD]  
**Cc**

 [image003.jpg](#) (3 Kb HTML)

Dave,

I was wondering if IWD would grant me overtime? I was hoping possibly 5-hours a week, 10-hours a pay-period??? I have a large amount of cases and have also been working cases in other territories. Also, I have been trying to increase my prosecutions, but as you are aware they take time. Especially when the County Attorney wants you to jump through certain hoops. I can't just mail the case like Polk County. I have to put together the Complaint/Affidavit and either physically walk the case through to have a warrant filed with the Judge or meet with the Sheriff's Department. I understand if OT can't be granted, but it would definitely help with the case load and with training of new staff if that's something you need assistance with.

Also, I have a \$24,000.00 case in Clayton County that was recently transferred to me. I figured due to the OP amount, I would travel to Clayton County and conduct an in-person interview at the claimant's place of employment and visit the County Attorney. Do I have permission to travel to Clayton County? On my way, I plan to stop in Dubuque County and drop off a few prosecutions with the County Attorney so my travel wouldn't be just for one case.

Please advise.

Thanks,

Jonathan Linnenbrink  
Investigator

Description: Description:  
IWD2cTag

902 West Kimberly Road - Suite 51  
Davenport, Iowa 52806  
(563) 445-3200 x43324 (# has changed)  
(563) 386-2818 fax  
[jonathan.linnenbrink@iwd.iowa.gov](mailto:jonathan.linnenbrink@iwd.iowa.gov)

**Message: Case #1450773**

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:59 PM  
Item ID: 40862515  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **Case #1450773**

**From** Linnenbrink, Jonathan [IWD]     **Date** Wednesday, March 26, 2014 6:01 PM  
**To** Eklund, David [IWD]  
**Cc** VonBehren, Karen [IWD]

 [image003.jpg](#) (3 Kb HTML)

Dave,

Can you please transfer Case #1450773 to Karen? Due to its claimant's close proximity to the Burlington office and overpayment amount, Karen has agreed to take over the case.

Thanks,

Jonathan Linnenbrink  
Investigator

 Description: Description:  
IWD2cTag

902 West Kimberly Road - Suite 51  
Davenport, Iowa 52806  
**(563) 415-3200 x 43321 (# has changed)**  
(563) 386-2818 fax  
[jonathan.linnenbrink@iwd.iowa.gov](mailto:jonathan.linnenbrink@iwd.iowa.gov)

**Message: Case #1450773**

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:59 PM  
Item ID: 40862516  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **Case #1450773**

**From** Linnenbrink, Jonathan [IWD]     **Date** Wednesday, March 26, 2014 6:05 PM  
**To** Eklund, David [IWD]  
**Cc** VonBehren, Karen [IWD]

 [image001.jpg](#) (3 Kb HTML)

Dave,

Can you please transfer Case #1450773 to Karen? Due to the claimant's close proximity to the Burlington office and overpayment amount, Karen has agreed to take over the case.

Thanks,

Jonathan Linnenbrink  
Investigator

 Description: Description:  
IWD2cTag

902 West Kimberly Road - Suite 51  
Davenport, Iowa 52806  
**(563) 445-3200 x43324 (# has changed)**  
(563) 386-2818 fax  
[jonathan.linnenbrink@iwd.iowa.gov](mailto:jonathan.linnenbrink@iwd.iowa.gov)

**Message: RE: Emailing: SIMMONS - REF 01 - 12-6-2009.pdf**

**Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:36 PM  
 Item ID: 40861818  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: Emailing: SIMMONS - REF 01 - 12-6-2009.pdf**

**From** Linnenbrink, Jonathan [IWD] **Date** Friday, March 28, 2014 9:43 AM  
**To** Benson, Joni [IWD]  
**Cc** Eklund, David [IWD]

 14IWDUI086 KBD.pdf (108 Kb HTML)

Joni,

I spoke with ALJ Devon Lewis on 03/13/14 regarding getting the correct matters asserted on the NOH. This hearing is scheduled for Monday, March 31st. I don't believe these transmittal slips will even be looked at by DIA before the commencement of this hearing. The sup docs that you emailed, I have already exhibited and mailed to DIA and the claimant. The matters asserted on the NOH scheduled for 03/31/14 will have to work for this hearing. The main issue I spoke to ALJ Lewis regarding, was the fact that the matters asserted for this hearing weren't consistent with the other similar hearings, and thought it was important that we are consistent so there is no confusion with the ALJs during our hearings.

Thanks,  
 Jon Linnenbrink

---

From: Linnenbrink, Jonathan [IWD]  
 Sent: Thursday, March 13, 2014 2:02 PM  
 To: Lewis, Devon [IWD]  
 Subject: RE: 14IWDUI086 Amended NOH for Marilyn J. Simmons

Thank you for addressing this so quickly.

From: Lewis, Devon [IWD]  
 Sent: Thursday, March 13, 2014 1:53 PM  
 To: Baughman, Myra [IWD]; Van Gundy, Meggan [DIA]  
 Cc: Benson, Joni [IWD]; Linnenbrink, Jonathan [IWD]; Hillary, Teresa [IWD]  
 Subject: FW: 14IWDUI086 Amended NOH for Marilyn J. Simmons  
 Importance: High

In order to be consistent with other similar files and previous practice, this notice needs the issues added:  
 Iowa Code 96.6(2) Is the appeal timely?  
 Iowa Code 96.3(7) Is the claimant overpaid benefits?  
 Let me know if you have any questions or concerns.  
 Thank you.  
 Dévon

Dévon M. Lewis  
 Administrative Law Judge  
 Iowa Workforce Development  
 Unemployment Insurance Appeals Bureau  
 1000 E Grand Ave  
 Des Moines IA 50319-0209

515-281-3747  
 800-532-1483

From: Benson, Joni [IWD]  
Sent: Thursday, March 13, 2014 1:26 PM  
To: Lewis, Devon [IWD]  
Subject: FW: 14IWDUI086 Amended NOH for Marilyn J. Simmons  
Importance: High

Can you answer this question .... May have to discuss this with Myra.

You can also discuss this with Jon Linnenbrink (I & R case, the investigator) --- 563.445.3200, ext 43324 --- he has had some discussion with Teresa about this kind of situation. He wants to find this out (came up last week).

From: Linnenbrink, Jonathan [IWD]  
Sent: Thursday, March 06, 2014 1:00 PM  
To: Benson, Joni [IWD]  
Cc: Van Gundy, Meggan [DIA]  
Subject: FW: 14IWDUI086 Amended NOH for Marilyn J. Simmons

Joni,

How come the Code of Iowa Statute(s) are different with this appeal? The matters under appeal are the same as appeal hearing scheduled with:

Lee Trevino (1075)  
Charles E. Tucker (2001)  
Cory J. Heister (6864)  
Michael D. Boutelle (0124)  
Cody D. Hsu (9676)

With those appeals, the Code of Iowa Statutes(s) listed on the IWD – Transmittal slip are:

96.6-2; 96.3-7, 96.4-3, 96.5-8

Whether the Claimant filed a timely appeal.

Whether the Department correctly determined that the Claimant was overpaid unemployment benefits and, if so, whether the overpayment was correctly calculated.

Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits.

Whether the Department correctly imposed an administrative penalty on the basis of false statements made by the Claimant.

Please advise.

Thanks,

Jon Linnenbrink

From: Van Gundy, Meggan [DIA]  
Sent: Thursday, March 06, 2014 12:43 PM  
To: Benson, Joni [IWD]; Linnenbrink, Jonathan [IWD]  
Subject: 14IWDUI086 Amended NOH for Marilyn J. Simmons

Meggan Van Gundy  
Iowa Department of Inspections & Appeals  
Administrative Hearings Division  
Wallace State Office Building 3rd Floor  
502 East Ninth Street  
Des Moines Iowa 50319-0082

Phone: 515.281.6343  
Fax : 515.281.4477

E-Mail: meggan.vangundy@dia.iowa.gov

"Sometimes you will never know the value of something, until it becomes a memory."  
— Dr. Seuss

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-----Original Message-----  
From: Benson, Joni [IWD]

Sent: Friday, March 28, 2014 8:18 AM  
To: Eklund, David [IWD]  
Cc: Linnenbrink, Jonathan [IWD]  
Subject: Emailing: SIMMONS - REF 01 - 12-6-2009.pdf

SUP DOCS

Your message is ready to be sent with the following file or link attachments:

SIMMONS - REF 01 - 12-6-2009.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

- [Image 1](#)
  - [Image 2](#)
- 

## Image 1

Iowa Department of Inspections and Appeals  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

### NOTICE OF TELEPHONE HEARING

APPELLANT: Claimant DOCKET NUMBER: 14IWDUI086

CLAIMANT: MARILYN J. SIMMONS  
PO BOX 186

BUFFALO IA 52728

EMPLOYER: Not certified by IWD

OTHER INTERESTED PARTY: Iowa Workforce Development  
Jonathan Linnenbrink, Investigator

CODE OF IOWA STATUTE(S): ADMINISTRATIVE RULE(S):  
96.4-3; 96.5-8

DATE AND TIME OF TELEPHONE HEARING: **March 31, 2014 – 3:00 P.M.**

**At the date and time scheduled for hearing, you must do the following:**

- Call 1-866-685-1580
- When prompted, enter the following Conference Code Number: **6351789060** (press # after entering the number)
- The system will ask if you are the leader. **YOU ARE NOT -- DO NOT PRESS THE \* KEY**
- The system will ask you to state your first and last name
- You will be put on hold until the judge enters the conference call; stay on the line until the judge enters the call

**Important information about participating in the hearing:**

- You may call in as early as five minutes before your hearing is scheduled to begin (example: if your hearing is scheduled to begin at 9:00 AM, you may call as early as 8:55 AM).
- The judge will wait five minutes after the time the hearing is scheduled to start to allow all parties to call in.
- **It is your responsibility to call in for the hearing. The judge will not call you. If you do not call using the above instructions, you will not be able to participate in the hearing. If you have technical difficulties connecting at the time of hearing, please call (515) 281-6468.**

**you do not call using the above instructions, you will not be able to participate in the hearing. If you have technical difficulties connecting at the time of hearing, please call (515) 281-6468.**

THE FOLLOWING MATTERS HAVE BEEN ASSERTED:

- Whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits.
- Whether the Department correctly imposed an administrative penalty on the basis of false statements made by the Claimant.

ISSUANCE DATE: March 6, 2014

ADMINISTRATIVE LAW JUDGE: Karen Doland TELEPHONE NUMBER: 515-281-7164

cc: Joni Benson, IWD File

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## Image 2

### NOTICE: READ THESE INSTRUCTIONS FOR TELEPHONE HEARINGS

*Please follow these instructions carefully. Failure to follow these instructions carefully may be detrimental to your case.*

1. As soon as possible after receiving this notice, you should decide:

- Whether you will be represented by an attorney;
- Whether you wish to have witnesses on your behalf;
- Whether you wish to submit documents for the administrative law judge to consider in making his/her decision.

2. If you wish to have documents or other exhibits considered by the administrative law judge in the hearing, you must do the following:

- Mail or fax the documents or other exhibits **to the administrative law judge** at the following location **within 5 days of the hearing**:

Iowa Department of Inspections and Appeals

Division of Administrative Hearings

Wallace State Office Building

502 E. 9th Street, 3rd floor

Des Moines, IA 50319

Fax: (515) 281-4477

- Mail or fax the documents or other exhibits **to all parties to the case within 5 days of the hearing.**

- The documents must be received by the administrative law judge and by the other parties

to the case **prior to** the hearing.

- Please mark any materials you submit with your full name and the docket number of your case. The docket number is found on the reverse side of this notice on the top right-hand

side of the paper.

3. If you wish to have any witnesses (other than yourself) present testimony at the hearing, you must do the following:

- Make sure your witnesses will be available at the date and time of hearing.
- Provide the name and telephone number of each witness to the administrative law judge. You may do this by mail or fax, or you may do so at the start of the hearing.
- Make sure that your witnesses understand that they must be available by telephone at the

date and time of the hearing. **If your witnesses are not available at the time of the hearing, they will not be able to testify.**

4. If you will be represented by an attorney or other authorized representative, make sure that your representative also calls in for the hearing using the telephone number and code on the front of this notice.

5. If you would like to request an in-person hearing rather than a telephone hearing, please make

this request in writing as soon as possible. It is important to make this request as soon as possible so that a decision can be made on this request prior to the hearing. You may send your request to the address or fax number listed above in instruction number 2.

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**Message: FW: Decision for Michael D Boutelle 14IWDUI073-074**

**Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:36 PM  
 Item ID: 40861827  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**FW: Decision for Michael D Boutelle 14IWDUI073-074**

**From** Linnenbrink, Jonathan [IWD]     **Date** Friday, March 28, 2014 11:59 AM  
**To** Eklund, David [IWD]  
**Cc**

 [14IWDUI073-074.pdf](#) (178 Kb HTML)

This is a prime example why it's very important that the correct matters are asserted. It requires the AJI to rule on the law.

**From:** Van Gundy, Meggan [DIA]  
**Sent:** Friday, March 28, 2014 11:46 AM  
**To:** Benson, Joni [IWD]; Linnenbrink, Jonathan [IWD]  
**Subject:** Decision for Michael D Boutelle 14IWDUI073-074

Have a great day.

Meggan Van Gundy  
 Iowa Department of Inspections & Appeals  
 Administrative Hearings Division  
 Wallace State Office Building 3rd Floor  
 502 East Ninth Street  
 Des Moines Iowa 50319-0082

Phone: 515.281.6343  
 Fax: 515.281.4477

E-Mail: [meggan.vangundy@dia.iowa.gov](mailto:meggan.vangundy@dia.iowa.gov)

“Sometimes you will never know the value of something, until it becomes a memory.”  
 – Dr. Seuss

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- [Image 1](#)
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  - [Image 3](#)
  - [Image 4](#)
  - [Image 5](#)
  - [Image 6](#)
- 

## Image 1

IOWA DEPARTMENT OF INSPECTIONS & APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

### DECISION OF THE ADMINISTRATIVE LAW JUDGE

MICHAEL D BOUTELLE  
13 VALLEY DR APT 2  
ELDRIDGE, IA 52748-9533

IOWA WORKFORCE DEVELOPMENT  
JONATHAN LINNENBRINK,  
INVESTIGATION & RECOVERY

JONI BENSON, IWD  
TERESA K. HILLARY, IWD

**Appeal Numbers: 14IWDUI073-074**  
**OC: 12/01/13**  
**Claimant: Appellant (1)**

**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 the *Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319*.

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.

#### STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and

such appeal is signed.

4. The grounds upon which such appeal is based.

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 the Department. 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.

(Administrative Law Judge)

March 28, 2014

(Dated and Mailed)

Iowa Code §96.3(7) – Recovery of Overpayment Benefits  
Iowa Code §96.16-4 – Misrepresentation  
Iowa Code §96.5(8) – Administrative Penalty  
Iowa Code §96.4-3 – Unemployment Insurance Benefits Eligibility

#### **STATEMENT OF THE CASE**

Claimant/Appellant Michael Boutelle appealed a decision issued by Respondent Iowa Workforce Development (IWD) on January 31, 2014, reference 01, finding he was ineligible to receive unemployment insurance benefits for a fifteen week period, from 01/26/14 until 05/10/14, because he made false statements concerning his employment and earnings, and imposing an administrative penalty. The appeal deadline for this decision was February 10, 2014. Michael Boutelle submitted an appeal letter, via fax, on

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## **Image 2**

Appeal Nos. 14IWDUI073-074

Page 2

February 5, 2014. The appeal was received in the IWD Appeals Section on February 5, 2014.

IWD issued a Notice of Decision on January 13, 2014, assessing an overpayment in the amount of \$526, because Michael Boutelle failed to report wages he earned from Hahn/Grunder Ready Mix, for three weeks between April 14, 2013 and May 4, 2013. The appeal deadline for this decision was January 23, 2014.

On February 14, 2014, IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. When IWD transmitted the case, it mailed a copy of the appeal file to Mr. Boutelle, to the address on file. He acknowledged receipt of these exhibits during the hearing.

On February 21, 2014, a Notice of Telephone Hearing was mailed to Michael Boutelle at the address on file with IWD. The contested case hearing was scheduled for March 27, 2014 at 3:00 p.m. Michael Boutelle appeared and testified during the hearing. Jonathan Linnenbrink appeared and testified on behalf of IWD. Exhibits 1 through 11 and A1–A7, B1–B13, C1–C2, D1–6, were all admitted into the record without objection. Mr. Boutelle acknowledged receipt of the exhibit packets.

#### **ISSUES**

1. Whether IWD correctly determined that the Claimant was overpaid unemployment insurance benefits, and, if so, whether the overpayment was correctly calculated.
2. Whether IWD correctly determined the Claimant is ineligible to receive unemployment benefits.
3. Whether IWD correctly imposed an administrative penalty on the basis of false statements made by the Claimant.

#### **FINDINGS OF FACT**

The relevant evidence is undisputed. Mr. Boutelle received unemployment insurance benefits through Iowa Workforce Development (IWD), every year, on a seasonal basis,

since 2006. (Linnenbrink testimony; Boutelle testimony; Exhibit B8)

Michael Boutelle worked and earned wages from Hahn/Grunder Ready Mix during the weeks ending on April 6, 13, 20, 27, and May 4, 2013. (Exhibits A3, A4) He was entitled to some unemployment insurance benefits during four of those five weeks. (Exhibit A3) Nevertheless, he was required to report all hours worked and wages earned during each of those weeks. He did not report the hours he worked or the wages he earned during the four weeks of April, 2013. (Linnenbrink testimony; Boutelle testimony; Exhibit A3)

He worked 4 hours and earned \$70 during the week ending April 6, 2013. (Exhibit A4) He worked 2 hours and earned \$34 in wages during the week ending April 13, 2013. (Exhibit A4) He worked 10 hours and earned \$162 during the week ending April 20, 2013. (Exhibit A4) He worked 13 hours and earned \$217 during the week ending April 27, 2013. (Exhibit A4) He collected unemployment benefits in the amount of \$396 during each of these four weeks. (Exhibit A3) He was not entitled to all of those benefits during the weeks ending April 20 and 27, 2013. (Exhibit A3)

---

## Image 3

Appeal Nos. 14IWDUI073-074

Page 3

As stated above, Michael Boutelle did not report any of these working hours or wages earned to IWD during any of these weeks. (Exhibit A3; Linnenbrink testimony; Boutelle testimony)

Michael Boutelle worked 34 hours and earned \$566 during the week ending May 2, 2013. (Exhibit A4) He collected unemployment benefits in the amount of \$345 during that week. He reported \$150 in wages earned that week. (Exhibit A3)

On December 17, 2013, IWD issued a preliminary audit notice to Michael Boutelle, giving him an "opportunity to respond concerning the discrepancy" between his reported claim and the wages his employer reported, for the time period from 3/31/13 to 5/4/13. (Exhibit A1) This notice included the potential overpayment amount of \$526. (Exhibit A1) The deadline for any such response was December 30, 2013. (Exhibit A1) Mr. Linnenbrink mailed the preliminary audit notice and information on the back side of that page, the cross match audit worksheet, and a wage cross match sheet that Hahn/Grunder Ready Mix completed. (Exhibits A1, A2, A3, A4; Linnenbrink testimony) Boutelle did not respond to this notice. (Exhibit A1; Linnenbrink testimony; Boutelle testimony)

The notice and the attachments were mailed to the address that Mr. Boutelle confirmed as his correct residential address throughout the relevant time period. (Linnenbrink testimony; Boutelle testimony) Boutelle's testimony regarding receipt of various IWD notices varied. He alternately claimed that he did not receive certain notices from IWD, and then described the documents in a way that indicated he had received them from IWD in the mail. (Boutelle testimony)

IWD issued a Notice of Decision on January 13, 2014, assessing an overpayment in the amount of \$526, because Michael Boutelle failed to report wages he earned from Hahn/Grunder Ready Mix for three weeks between 04/14/13 and 05/04/13. (Exhibit A5, 10) The appeal deadline for this decision was 01/23/14. (Exhibit A5, 10) Boutelle did not appeal this decision. (Linnenbrink testimony) This Notice of Decision included this language: "THIS DECISION BECOMES FINAL UNLESS AN APPEAL IS POSTMARKED BY 01/23/14, OR RECEIVED BY THE IOWA WORKFORCE DEVELOPMENT APPEAL SECTION BY THAT DATE." (Exhibit A5, 10).

On January 17, 2014, IWD's investigator, Jonathan Linnenbrink, sent a letter to Michael Boutelle, giving him another opportunity to respond concerning the overpayment and his failure to report his employment and earned wages. (Exhibit D3) The deadline for any such response was January 29, 2014. (Exhibit D3) This letter notified Mr. Boutelle that IWD would determine whether or not to assess an administrative penalty against him, because he failed to report his correct work hours and wages earned with Hahn/Grunder Ready Mix (Exhibit D3; Linnenbrink testimony)

Boutelle did not respond to this letter on or before the deadline. (Linnenbrink testimony; Boutelle testimony; Exhibit D1)

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## Image 4

Appeal Nos. 14IWDUI073-074

Page 4

On January 31, 2014, IWD issued a decision, reference 01, finding that Michael Boutelle made false statements concerning his employment and earnings in 2013, for the time periods detailed above, from 04/14/13 until 05/04/13. (Exhibit 4) This notice of decision imposed an administrative penalty, prohibiting Michael Boutelle from receiving unemployment benefits for a fifteen week period, from 01/26/14 until 05/10/14. (Exhibit 4; Linnenbrink testimony) The appeal deadline for this notice of decision was February 10, 2014. (Exhibit 4) Michael Boutelle submitted an appeal on February 5, 2014. (Exhibit 8)

Michael Boutelle did not deny the fact that he owed the overpayment. Boutelle alternately acknowledged that he received some or all of the IWD's notices. (Boutelle testimony) He stated that it was an "honest mistake," an "accidental mistake," and he was "very sorry." (Boutelle testimony) Boutelle did not dispute the overpayment owed.

Mr. Linnenbrink stated the reasons for the administrative penalty and the justification for the 15 week length of the administrative penalty. (Linnenbrink testimony) Mr. Linnenbrink submitted documents showing that Michael Boutelle had a similar situation in 2009, when he failed to report wages earned with the same employer. (Exhibit B11, Linnenbrink testimony) During several weeks in April and May of 2009, Boutelle failed to report any hours worked or wages earned, or reported less hours worked and wages earned than his employer reported. (Exhibit B11, B12)

Mr. Linnenbrink referenced an IWD policy for determining administrative penalties. (Exhibit C2; Linnenbrink testimony) He determined that a 15 week administrative penalty was appropriate in this case for several reasons. This was the second time that Michael Boutelle committed a similar offense. He also mentioned that Mr. Boutelle is subject to a seasonal layoff every year, and he filed for unemployment insurance benefits every year since 2006. Mr. Boutelle is required to read and know the Facts About unemployment Insurance Guide. (Linnenbrink testimony; Exhibits B1, B2, B3-B7)

### REASONING AND CONCLUSIONS OF LAW

#### Timeliness of Appeals

Iowa Code §96.6(2) requires a claimant to file an appeal of IWD's decision "within ten calendar days after notification was mailed to the claimant's last known address." The Iowa Supreme Court has determined that a timely appeal is both mandatory and jurisdictional.<sup>1</sup>

These administrative appeal files include two decisions. The evidence clearly shows that Michael Boutelle did not file a timely appeal from the first decision establishing the \$526 overpayment. The record in this matter does not include any documents to indicate that he appealed this decision within ten days of the date it was issued. Because he did not file a timely appeal from those decisions, I do not have jurisdiction to consider whether IWD correctly determined that Michael Boutelle was overpaid in the amount of \$526 because he failed to report wages he earned with Hahn/Grunder Ready Mix. This decision is final.

<sup>1</sup> *Beardslee v. Iowa Dep't of Job Servs.*, 276 N.W.2d 373, 377 (Iowa 1979).

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## Image 5

Appeal Nos. 14IWDUI073-074

Page 5

In the decision dated January 31, 2014, reference 01, IWD imposed an administrative penalty because it found Michael Boutelle made false statements concerning his employment and earnings in April and May of 2013. (Exhibit 4) The appeal deadline for this decision was February 10, 2014. Boutelle's appeal letter, which was submitted to

IWD via fax on 02/05/14, was timely filed for that decision. (Exhibit 8)

#### **Overpayment claim - Misrepresentation**

When IWD determines an individual who received unemployment benefits was ineligible to receive benefits, IWD must recoup the benefits received, whether or not the individual acted in good faith and was not otherwise at fault.<sup>2</sup> In this case, IWD determined the overpayments occurred because of misrepresentation.<sup>3</sup>

IWD may, in its discretion, recover the overpayment either by deducting a sum equal to the overpayment from any future benefits payable to the individual, or by collecting a sum equal to the overpayment directly from the individual.<sup>4</sup>

Boutelle did not appeal the January 13, 2014 decision in a timely manner. As stated above, I do not have jurisdiction to consider the overpayment decision.

#### **Administrative Penalty and Eligibility for Benefits**

IWD may impose an administrative penalty if an insured person has, within the preceding 36 calendar months, willfully and knowingly made a false statement or misrepresentation, or willfully and knowingly failed to disclose a material fact, with the intent to defraud by obtaining benefits the person is not entitled to.<sup>5</sup> The person is disqualified for the week in which IWD makes the determination and forfeits all benefit rights to unemployment insurance benefits for a period of not more than the remaining benefit period as determined by IWD.<sup>6</sup> The IWD investigator exercises his or her discretion to determine the degree and severity of the penalty, based on the nature of the offense and facts.<sup>7</sup> Mr. Linnenbrink described his rationale for this 15 week penalty.

IWD's rules define intent as "the design, resolve, or determination with which an individual or group of individuals acts in order to reach a preconceived objective."<sup>8</sup> Fraud is defined as "the intentional misuse of facts or truth to obtain or increase unemployment insurance benefits for oneself . . . ; a false representation of a matter of fact, whether by statement or by conduct, by false or misleading statements or allegations; or by the concealment or failure to disclose that which should have been disclosed, which deceives and is intended to deceive another so that they, or [IWD], shall not act upon it to their, or its, legal injury."<sup>9</sup>

<sup>2</sup> Iowa Code §96.3(7) (2013).

<sup>3</sup> Iowa Code §96.16(4) (2013)

<sup>4</sup> Iowa Code §96.3(7) (2013).

<sup>5</sup> Iowa Code §96.5(8).

<sup>6</sup> Iowa Code §96.5(8).

<sup>7</sup> 871 IAC 25.9(2)c.

<sup>8</sup> 871 IAC 25.1.

<sup>9</sup> 871 IAC 25.1.

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## **Image 6**

Appeal Nos. 14IWDUI073-074

Page 6

The statute defines the term knowingly as "having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the requirement or prohibition involved."

10

IWD's rules afford the investigator discretion to determine the degree and severity of the penalty, based on the nature of the offense and facts.<sup>11</sup> The IWD investigator presented sufficient evidence to substantiate the administrative penalty. The undisputed evidence clearly shows that Michael Boutelle willfully and knowingly made false statements or misrepresentations, and willfully and knowingly failed to disclose material facts, with the intent to defraud by obtaining benefits he was not entitled to. The evidence clearly showed that Michael Boutelle made similar false statements and misrepresentations in 2009. IWD's decision imposing an administrative penalty and finding Michael Boutelle is ineligible to receive unemployment benefits for a fifteen week period must be affirmed.

**DECISION**

Mr. Boutelle failed to timely file his appeal from the decision issued on January 13, 2014, regarding the overpayment of \$526. Furthermore, the evidence supporting this overpayment decision is undisputed. IWD's decision, dated January 13, 2014, reference 01, is therefore AFFIRMED.

IWD's decision dated January 31, 2014, reference 01, concluding Michael Boutelle was not eligible to receive unemployment benefits for fifteen weeks, and imposing an administrative penalty from 01/26/14 until 05/10/2014, because he made false statements concerning his employment and earnings, is AFFIRMED.

egc

<sup>10</sup> Iowa Code §96.16(5)b (1) defines knowingly for purposes of the subsection as "having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the requirement or prohibition involved."  
<sup>11</sup> 871 IAC 25.9(2)c.

---

Message: RE: OT Request

Case Information:

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:36 PM  
 Item ID: 40861828  
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 RE: OT Request

**From** Linnenbrink, Jonathan [IWD]     **Date** Friday, March 28, 2014 2:38 PM  
**To** Eklund, David [IWD]  
**Cc**

 image001.jpg (3 Kb HTML)

Did you ever hear back from Mike?

**From:** Eklund, David [IWD]  
**Sent:** Wednesday, March 19, 2014 11:03 AM  
**To:** Linnenbrink, Jonathan [IWD]  
**Subject:** RE: OT Request

Jon,  
The Clayton Co travel is approved.

Mike recently sent us a "stop-order" on OT, unless it is pre-approved by him since we were apparently getting very close on budgeted staff hours.

I will send your request to Mike for approval/denial. I plan on redacting the 2<sup>nd</sup> paragraph as that falls in my realm for approval. If Mike responds only to me I will forward his response to you.

Thanks,  
Dave

**From:** Linnenbrink, Jonathan [IWD]  
**Sent:** Wednesday, March 19, 2014 10:54 AM  
**To:** Eklund, David [IWD]  
**Subject:** OT Request

Dave,

I was wondering if IWD would grant me overtime? I was hoping possibly 5-hours a week, 10-hours a pay-period??? I have a large amount of cases and have also been working cases in other territories. Also, I have been trying to increase my prosecutions, but as you are aware they take time. Especially when the County Attorney wants you to jump through certain hoops. I can't just mail the case like Polk County. I have to put together the Complaint/Affidavit and either physically walk the case through to have a warrant filed with the Judge or meet with the Sheriff's Department. I understand if OT can't be granted, but it would definitely help with the case load and with training of new staff if that's something you need assistance with.

Also, I have a \$24,000.00 case in Clayton County that was recently transferred to me. I figured due to the OP amount, I would travel to Clayton County and conduct an in-person interview at the claimant's place of employment and visit the County Attorney. Do I have permission to travel to Clayton County? On my way, I plan to stop in Dubuque County and drop off a few prosecutions with the County Attorney so my travel wouldn't be just for one case.

Please advise.

Thanks,

Jonathan Linnenbrink  
Investigator

 Description: Description:  
IWD2cTag

902 West Kimberly Road - Suite 51  
 Davenport, Iowa 52806  
 (563) 445-3200 x43324 (# has changed)  
 (563) 386-2818 fax  
[jonathan.linnenbrink@iwd.iowa.gov](mailto:jonathan.linnenbrink@iwd.iowa.gov)

Message: RE: OT Request

**Case Information:**  
 Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:36 PM  
 Item ID: 40861830  
 Policy Action: Not Specified

**Mark History:**  
 No reviewing has been done

**Policies:**  
 No Policies attached

**RE: OT Request**

**From** Linnenbrink, Jonathan [IWD] **Date** Friday, March 28, 2014 2:43 PM  
**To** Eklund, David [IWD]  
**Cc**

 **image001.jpg** (3 Kb HTML)

Ok, thanks.

Have a good weekend. TGIF.

**From:** Eklund, David [IWD]  
**Sent:** Friday, March 28, 2014 2:41 PM  
**To:** Linnenbrink, Jonathan [IWD]  
**Subject:** RE: OT Request

He asked in an e-mail "how many hours?" I responded just like your e-mail indicates 5 hours/week 10 hours/pay period.

I haven't heard back yet....

**From:** Linnenbrink, Jonathan [IWD]  
**Sent:** Friday, March 28, 2014 2:38 PM  
**To:** Eklund, David [IWD]  
**Subject:** RE: OT Request

Did you ever hear back from Mike?

**From:** Eklund, David [IWD]  
**Sent:** Wednesday, March 19, 2014 11:03 AM  
**To:** Linnenbrink, Jonathan [IWD]  
**Subject:** RE: OT Request

Jon,  
The Clayton Co travel is approved.

Mike recently sent us a "stop-order" on OT, unless it is pre-approved by him since we were apparently getting very close on budgeted staff hours.

I will send your request to Mike for approval/denial. I plan on redacting the 2<sup>nd</sup> paragraph as that falls in my realm for approval. If Mike responds only to me I will forward his response to you.

Thanks,  
Dave

**From:** Linnenbrink, Jonathan [IWD]  
**Sent:** Wednesday, March 19, 2014 10:54 AM  
**To:** Eklund, David [IWD]  
**Subject:** OT Request

Dave,

I was wondering if IWD would grant me overtime? I was hoping possibly 5-hours a week, 10-hours a pay-period??? I have a large amount of cases and have also been working cases in other territories. Also, I have been trying to increase my prosecutions, but as you are aware they take time. Especially when the County Attorney wants you to jump through certain hoops. I can't just mail the case like Polk County. I have to put together the Complaint/Affidavit and either physically walk the case through to have a warrant filed with the Judge or meet with the Sheriff's Department. I understand if OT can't be granted, but it would definitely help with the case load and with training of new staff if that's something you need assistance with.

Also, I have a \$24,000.00 case in Clayton County that was recently transferred to me. I figured due to the OP amount, I would travel to Clayton County and conduct an in-person interview at the claimant's place of employment and visit the County Attorney. Do I have permission to travel to Clayton County? On my way, I plan to stop in Dubuque County and drop off a few prosecutions with the County Attorney so my travel wouldn't be just for one case.

Please advise.

Thanks,

Jonathan Linnenbrink  
Investigator

Description: Description:  
IWD2cTag

902 West Kimberly Road - Suite 51  
Davenport, Iowa 52806  
~~(563) 445-3200 x43324 (# has changed)~~  
(563) 386-2818 fax  
[jonathan.linnenbrink@jwd.iowa.gov](mailto:jonathan.linnenbrink@jwd.iowa.gov)

**Message: RE: Labor Shed Info Needed****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:49 PM  
 Item ID: 40862203  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: Labor Shed Info Needed**

**From** Lippold, Mary [IWD]      **Date** Wednesday, March 12, 2014 12:01 PM  
**To** Koonce, Kerry [IWD]  
**Cc** Murphy, Ryan [IWD]

 [AdvMfg\\_WageComparison.pdf](#) (424 Kb HTML)

Hi Kerry,  
 I put together a wage comparison table for advanced manufacturing occupations. Take a look and let me know if you were looking for something different.

Thanks,  
**Katie Lippold**  
 Iowa Workforce Development  
 Regional Research & Analysis Bureau

**From:** Koonce, Kerry [IWD]  
**Sent:** Wednesday, March 12, 2014 8:43 AM  
**To:** Murphy, Ryan [IWD]  
**Subject:** FW: Labor Shed Info Needed  
**Importance:** High

Can you start pulling this together?

Kerry Koonce, CPM  
 Division Administrator, Communications & Labor Market Information  
 Iowa Workforce Development  
 1000 East Grand Avenue  
 Des Moines, IA 50319  
 T: 515-281-9646  
 F: 515-281-4698  
 C: 515-681-2230

**From:** Castillo, Lisa [IWD]  
**Sent:** Wednesday, March 12, 2014 8:37 AM  
**To:** Koonce, Kerry [IWD]  
**Subject:** Labor Shed Info Needed  
**Importance:** High

The Director has a meeting next Tuesday in Osceola. She would like to have:

- Labor Shed Information
- Advanced Manufacturing data
- Pay comparison with other areas of the state
- 10 copies

Thanks.

**Lisa Castillo**  
 Director's Office | Executive Assistant  
 Iowa Workforce Development | 1000 E Grand | Des Moines, IA 50319  
 515-281-5365 | 515-281-4698 - fax  
[lisa.castillo@wd.iowa.gov](mailto:lisa.castillo@wd.iowa.gov)  
[www.iowaworkforce.org](http://www.iowaworkforce.org)

# Image 1

Occ Code Occupation

Mean Entry Median Mean Entry Median

11-3051	Industrial Production Managers	\$40.32	\$26.27	\$36.48	\$37.16	\$22.76	\$35.38	\$37.26	\$26.44	\$36.67	\$38.00	\$26.59	\$37.60	\$34.94	\$22.27	\$33.95	\$39.76	\$25.50	\$37.12
17-2071	Electrical Engineers	\$35.78	\$25.07	\$34.71	\$31.03	\$25.00	\$27.57	\$31.09	\$23.65	\$30.24	\$33.43	\$25.73	\$34.35	\$37.68	\$26.88	\$38.53	\$37.17	\$26.76	\$35.66
17-2112	Industrial Engineers	\$35.19	\$25.20	\$34.62	\$32.37	\$23.51	\$32.00	\$29.54	\$24.51	\$28.33	\$30.93	\$23.08	\$30.81	\$33.38	\$25.54	\$33.37	\$32.57	\$24.18	\$32.06
17-2141	Mechanical Engineers	\$34.64	\$25.07	\$32.91	\$30.72	\$21.32	\$29.55	\$27.80	\$16.93	\$27.68	\$31.67	\$22.94	\$29.70	\$35.10	\$25.64	\$35.05	\$33.70	\$23.46	\$32.89
17-2199	Engineers, All Other	\$33.97	\$25.13	\$28.55	***	\$35.83	\$23.78	\$33.28	\$29.37	\$21.30	\$28.29	\$37.72	\$27.60	\$37.31	\$35.40	\$23.77	\$33.78		
17-3023	Electrical & Electronics Engineering Technicians	\$26.46	\$20.29	\$27.40	\$23.67	\$18.32	\$22.57	\$23.85	\$16.62	\$23.50	\$19.48	\$16.44	\$17.61	\$26.00	\$17.79	\$26.77	\$23.47	\$17.00	\$22.99
17-3026	Industrial Engineering Technicians	\$21.02	\$15.90	\$20.37	\$22.24	\$17.59	\$21.54	\$20.32	\$16.88	\$18.63	\$19.26	\$15.17	\$17.44	\$21.42	\$15.71	\$21.08	\$21.26	\$15.65	\$20.44
17-3027	Mechanical Engineering Technicians	\$22.24	\$16.02	\$21.60	***	\$20.71	\$15.24	\$20.22	***	\$25.28	\$18.46	\$25.60	\$22.58	\$16.23	\$21.88				
17-3029	Engineering Technicians, Except Drafters, All Other	\$25.42	\$18.65	\$25.46	\$22.56	\$16.02	\$23.36	\$24.47	\$20.24	\$25.72	\$25.80	\$21.41	\$26.84	\$22.85	\$16.85	\$22.60	\$24.49	\$18.17	\$24.84
49-9041	Industrial Machinery Mechanics	\$21.94	\$17.11	\$21.50	\$16.57	\$11.93	\$16.51	\$18.43	\$14.50	\$19.15	\$17.62	\$12.76	\$17.23	\$19.35	\$14.02	\$17.94	\$20.37	\$14.63	\$20.00
49-9043	Maintenance Workers, Machinery	\$19.49	\$14.03	\$19.23	\$19.84	\$16.17	\$20.17	\$21.56	\$18.00	\$21.77	\$17.50	\$14.04	\$17.38	\$18.52	\$12.32	\$18.01	\$20.70	\$15.81	\$21.07
49-9099	Installation, Maintenance, & Repair Workers, All Other	\$17.46	\$10.80	\$17.03	\$21.08	\$14.67	\$19.05	\$16.17	\$11.33	\$15.72	\$16.36	\$12.82	\$14.13	\$14.40	\$9.43	\$13.56	\$17.39	\$11.00	\$16.43
51-1011	First-Line Supervisors of Production & Operating	\$25.25	\$17.62	\$23.89	\$23.87	\$15.54	\$21.11	\$24.31	\$17.12	\$22.73	\$22.53	\$15.44	\$21.13	\$24.17	\$15.67	\$23.15	\$24.97	\$17.00	\$23.71
51-2092	Team Assemblers	\$13.61	\$9.28	\$12.93	\$14.62	\$11.77	\$14.72	\$14.63	\$11.20	\$14.66	\$14.91	\$11.78	\$14.51	\$15.76	\$11.73	\$16.11	\$15.01	\$10.55	\$15.08
51-2099	Assemblers & Fabricators, All Other	\$12.38	\$10.09	\$11.48	***	\$13.93	\$10.84	\$14.21	\$10.73	\$9.71	\$10.58	\$16.58	\$8.48	\$12.98	\$13.77	\$9.34	\$12.62		
51-4011	Computer-Controlled Machine Tool Operators, Metal &	\$17.26	\$13.75	\$17.35	\$16.74	\$12.40	\$16.60	\$15.11	\$11.80	\$14.80	\$19.10	\$15.86	\$20.02	\$19.25	\$16.47	\$20.01	\$17.88	\$14.37	\$18.33
51-4012	Computer Numerically Controlled Machine Tool																		
	Programmers, Metal and Plastic																		
		\$22.80	\$18.90	\$22.58	\$19.31	\$15.74	\$18.52	\$17.43	\$16.09	\$16.70	***	\$22.27	\$15.03	\$23.13	\$21.65	\$15.51	\$21.46		
51-4023	Rolling Machine Setters, Operators, & Tenders, Metal &	***	\$16.53	\$13.88	\$16.37	*****	\$15.51	\$12.41	\$15.62	\$17.19	\$14.00	\$17.09							
51-4031	Cutting, Punching, & Press Machine Setters, Operators,																		
	& Tenders, Metal & Plastic																		
		\$16.34	\$12.94	\$16.16	\$16.89	\$13.30	\$16.93	\$15.08	\$12.36	\$14.74	\$15.74	\$12.50	\$15.37	\$16.70	\$14.23	\$16.60	\$16.06	\$12.68	\$16.05
51-4032	Drilling & Boring Machine Tool Setters, Operators, &																		
	Tenders, Metal & Plastic																		
		*****	\$15.49	\$13.61	\$15.77	*****	\$18.68	\$14.36	\$18.82										
51-4033	Grinding, Lapping, Polishing, & Buffing Machine Tool																		
	Setters, Operators, & Tenders, Metal & Plastic																		
		\$12.85	\$10.29	\$11.17	\$15.04	\$11.94	\$14.68	\$13.48	\$10.53	\$13.10	***	\$14.87	\$12.59	\$14.61	\$14.95	\$11.86	\$14.13		
51-4034	Lathe & Turning Machine Tool Setters, Operators, &																		
	Tenders, Metal & Plastic																		
		\$17.53	\$12.13	\$19.00	\$15.85	\$13.75	\$16.06	***	\$18.84	\$15.42	\$19.61	\$14.31	\$10.61	\$13.24	\$17.05	\$12.68	\$17.14		
51-4035	Milling & Planning Machine Setters, Operators, &																		

Tenders, Metal & Plastic

\*\*\*\*\* \$14.45 \$11.66 \$14.56 \$15.87 \$10.68 \$16.01

51-4041 Machinists \$18.33 \$13.46 \$17.64 \$16.63 \$12.03 \$16.78 \$16.19 \$12.88 \$16.01 \$16.81 \$12.88 \$16.60 \$18.32 \$13.57 \$18.55 \$17.80 \$13.24 \$17.44

51-4052 Pourers & Casters, Metal \*\*\*\*\* \$17.01 \$11.61 \$16.63

51-4062 Patternmakers, Metal & Plastic \*\*\*\*\* \$19.87 \$13.71 \$19.87

51-4071 Foundry Mold & Core makers \*\*\* \$14.96 \$12.22 \$14.59 \*\*\*\*\* \$16.04 \$12.84 \$15.97 \$15.96 \$12.39 \$15.61

51-4072

Molding, Core making, & Casting Machine Setters,

Operators, & Tenders, Metal & Plastic

\$13.30 \$8.87 \$11.91 \$12.29 \$8.20 \$12.84 \$13.23 \$9.45 \$11.89 \$11.12 \$8.52 \$10.92 \$12.31 \$8.25 \$11.73 \$13.85 \$9.34 \$13.07

51-4081

Multiple Machine Tool Setters, Operators, & Tenders,

Metal & Plastic

\$14.97 \$10.18 \$15.23 \$14.57 \$11.01 \$14.99 \$17.28 \$15.53 \$16.99 \$18.44 \$15.43 \$18.98 \$14.99 \$10.76 \$14.15 \$16.62 \$13.23 \$16.70

51-4111 Tool & Die Makers \$22.83 \$18.45 \$23.03 \$19.54 \$15.22 \$18.93 \$21.30 \$18.64 \$21.02 \$21.06 \$17.61 \$20.89 \$23.15 \$18.47 \$23.62 \$22.59 \$18.11 \$23.07

51-4121 Welders, Cutters, Soldiers, & Braziers \$18.04 \$14.70 \$17.29 \$16.01 \$12.80 \$16.10 \$15.44 \$12.70 \$15.27 \$15.80 \$12.67 \$15.65 \$17.72 \$12.95 \$17.62 \$16.76 \$12.99 \$16.45

51-4122

Welding, Soldering, & Brazing Machine Setters,

Operators, & Tenders

\$16.19 \$12.80 \$15.78 \$18.49 \$16.43 \$18.61 \$16.10 \$13.96 \$16.22 \$14.91 \$11.35 \$15.93 \$17.41 \$14.43 \$17.74 \$16.92 \$13.75 \$17.05

51-4191

Heat Treating Equipment Setters, Operators, & Tenders,

Metal & Plastic

\*\*\* \$18.03 \$14.01 \$19.04 \$15.57 \$13.23 \$15.57 \*\*\*\*\* \$17.50 \$12.43 \$17.69

51-4193

Plating & Coating Machine Setters, Operators, &

Tenders, Metal & Plastic

\$11.93 \$10.03 \$12.20 \$13.22 \$11.38 \$13.17 \*\*\*\*\* \$13.70 \$9.29 \$13.04

51-9061 Inspectors, Testers, Sorters, Samplers, and Weathers \$15.74 \$10.47 \$15.32 \$14.23 \$9.95 \$12.81 \$16.71 \$12.28 \$16.34 \$16.37 \$12.14 \$16.00 \$17.43 \$11.73 \$17.14 \$17.05 \$11.32 \$16.41

51-9198 Helpers--Production Workers \$13.73 \$9.89 \$13.76 \$12.70 \$9.80 \$12.10 \$13.53 \$9.78 \$13.85 \*\*\* \$11.26 \$8.56 \$10.52 \$12.58 \$8.66 \$11.87

51-9199 Production Workers, All Other \$12.97 \$9.63 \$12.75 \$12.30 \$8.14 \$12.00 \$16.13 \$11.41 \$16.50 \$12.21 \$9.61 \$12.22 \$12.91 \$9.80 \$12.39 \$14.08 \$9.78 \$13.28

53-1021

First-Line Supervisors of Helpers, Laborers, and Material

Movers, Hand

\$22.18 \$16.06 \$21.67 \$25.63 \$17.51 \$23.82 \$23.20 \$16.70 \$21.11 \$19.05 \$13.41 \$19.52 \$19.86 \$14.30 \$19.27 \$22.54 \$15.36 \$21.90

53-1031

First-Line Supervisors of Transportation and Material-

Moving Machines

\$27.22 \$17.44 \$27.55 \$19.64 \$9.97 \$18.84 \$24.69 \$12.96 \$21.83 \$22.73 \$13.89 \$20.94 \$23.78 \$15.08 \$21.80 \$24.64 \$14.51 \$22.83

53-3032 Heavy and Tractor-Trailer Truck Drivers \$20.78 \$14.73 \$20.42 \$17.32 \$11.78 \$15.09 \$19.00 \$12.31 \$18.28 \$17.80 \$12.73 \$17.19 \$16.38 \$11.08 \$15.07 \$18.89 \$13.11 \$18.16

53-3033 Light Truck or Delivery Services Drivers \$14.59 \$8.41 \$12.95 \$12.28 \$8.11 \$10.28 \$14.21 \$9.12 \$11.99 \$14.13 \$8.22 \$11.98 \$12.99 \$8.14 \$10.89 \$14.21 \$8.60 \$12.12

53-7051 Industrial Truck and Tractor Operators \$15.91 \$11.67 \$15.93 \$14.92 \$10.91 \$14.64 \$15.14 \$12.06 \$14.22 \$14.22 \$9.60 \$13.77 \$16.32 \$12.18 \$15.70 \$15.38 \$11.76 \$14.96

53-7062 Laborers and Freight, Stock, and Material Movers, Hand \$13.19 \$9.41 \$11.88 \$11.91 \$8.46 \$11.05 \$13.18 \$10.08 \$13.06 \$12.88 \$9.32 \$12.37 \$13.13 \$9.52 \$12.59 \$12.76 \$9.25 \$11.97

Statewide Clarke County Laborshed Northeast Iowa Northwest Iowa Southeast Iowa Southwest Iowa

*\*Insufficient data*

The four regions of the state, or Balance of the State Areas, referenced above each contain the counties that are not in an MSA. Wages are based on the aggregate data of the counties within each area. Each area is defined below.

Northeast Iowa: Allamakee, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hardin, Howard, Mitchell, Winneshiek, and Worth counties.

Northwest Iowa: Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Hamilton, Hancock, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, Winnebago, and Wright counties.

Southeast Iowa: Appanoose, Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jackson, Jasper, Jefferson, Keokuk, Lee, Louisa, Mahaska, Marion, Marshall, Monroe, Muscatine, Poweshiek, Tama, Van Buren, and Wapello counties.

Southwest Iowa: Adair, Adams, Audubon, Boone, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Lucas, Monona, Montgomery, Page, Ringgold, Shelby, Taylor, Union, and Wayne counties.

The Clarke County Laborshed area is based on 2013 commuting data collected by IWD. Wages are based on the aggregate data of the counties that make up the Laborshed area.

The Clarke County Laborshed area includes the following counties: Clarke, Decatur, Lucas, Madison, Monroe, Polk, Ringgold, Union, Warren, and Wayne counties, as well as, Harrison and Mercer counties in Missouri.

### Advanced Manufacturing Wages by Region

The 2013 Iowa Wage data was produced by the Labor Force & Occupational Analysis Bureau to provide communities local information on wages by occupation. The source of the wage and employment data is based on the May 2012 OES estimates.

Additional occupational wage and employment data can be found at <http://iwin.iwd.state.ia.us/iowa/OlmisZine>.

**Message: FW: temp assignment question**

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**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: 40860874  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: temp assignment question**

**From** Lewis, Devon [IWD] **Date** Friday, May 03, 2013 2:30 PM  
**To** Wise, Steve [IWD]; Wise, Debra [IWD]  
**Cc**

It looks like most address both... do you both do that or like Randy does? It looks like we need to hash this out for reasonable uniformity at a staff meeting in addition to the compelled quit/discharge issue. RS being the common denominator to both issues ;-)

---

**From:** Stephenson, Randall [IWD]  
**Sent:** Wednesday, May 01, 2013 12:19 PM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: temp assignment question

There is only one employment separation from employment issue. The temp firm hires claimant as an employee and places claimant on assignment for some client. If the client advises the employer temp it does not want claimant to return to the assignment, how the employer deals with it and the circumstances why claimant is asked not to return to work can become an employment separation issue. The employer has the option to move claimant to another assignment or rest on the reason why claimant failed in the work assignment as to a quit or discharge issue. There is no such thing as an employment separation from a non-employer.

---

**From:** Lewis, Devon [IWD]  
**Sent:** 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]

**Subject:** temp assignment question

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)j? 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: claims issues examples**

---

**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: 40860879  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **claims issues examples**

**From** Lewis, Devon [IWD] **Date**  
Friday, May  
03, 2013  
5:18 PM

**To** Mormann, Marlon [IWD]; Wise, Steve [IWD];  
 Hendricksmeyer, Bonny [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**

I'm looking for examples of cases where claims treats a claimant who was in full-time, short-term employment quit as a part-time quit. The employer is relieved of charges at FF and then we reverse and it results in an overpayment.

Don't worry about compiling a bunch of info. Just send me your decision or appeal number and I can get the rest of the info from ERIC, etc. That goes for other claims problems you might be seeing on a regular basis too. This is for potential training purposes so hopefully we can correct the problems where they originate and focus on party disputes rather than claims errors of law.

Thanks,  
*Devon*

**Message: RE: FAXES**

**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: 40860884  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: FAXES**

**From** Lewis, Devon [IWD] **Date** Monday, May 13, 2013 9:27 AM

**To** Wise, Steve [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [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]

**Cc**

 [image001.gif](#) (5 Kb HTML)

When I see duplication in hearing documents I instruct parties and reps for future reference to please not resend docs already sent because it doubles use of staff time, mailing costs, paper, etc. I do tell them it is more efficient to call and ask if something was received if they are uncertain. I'm hoping electronic submission of documents will largely take care of this type of issue.

---

**From:** Wise, Steve [IWD]  
**Sent:** Tuesday, May 07, 2013 9:34 AM  
**To:** Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [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]

**Subject:** RE: FAXES

Only **2** of probably 1500 pages made it into the record. Most ridiculous waste of paper I have seen in my 27 years as an ALJ. I'm thinking about reporting him to the Arbor Day Foundation and have them contact him about planting trees to replace those he killed. It was a consolidated case with 4 claimants and he actually thought he need to mail and fax (because he sent things in at the last minute) duplicate info for each claimant including a 200 page plus manual of policies and procedures. Same was faxed and mailed to the employer.

**From:** Benson, Joni [IWD]

**Sent:** Tuesday, May 07, 2013 9:22 AM

**To:** Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [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:** FAXES

Our Fax has been running (and jamming) because of over 1,000 pages for one exhibit yesterday. That means that some of the exhibits, etc. that you receive today (May 7<sup>th</sup>) will be date stamped for May 6<sup>th</sup> because they are just now coming through.

That way no one wonders why they are just now getting them.

ALJs – Steve was the unfortunate recipient of the 1,000 page exhibit. ☹ So the rest of you can start breathing again☺

Thanks everyone!

-Joni

**Message: RE: 04631.DT - Moving Overpayment Hearing**

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**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: 40860886  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: 04631.DT - Moving Overpayment Hearing**

**From** Lewis, Devon [IWD]      **Date** Monday, May 13, 2013 9:28 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

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 [image002.gif](#) (5 Kb HTML)

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Apparently JW's and JN's little talk with her did zero good.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 13, 2013 9:22 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

She turned in exactly one decn over the weekend to wp. And that was sent Friday at 3:56 pm.

---

**From:** Lewis, Devon [IWD]  
**Sent:** Monday, May 13, 2013 9:16 AM  
**To:** Hillary, Teresa [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

She needs to spend her time on writing decisions instead of hyper analyzing cases not yet scheduled! Sheesh!

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 06, 2013 9:51 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** FW: 04631.DT - Moving Overpayment Hearing

I will never understand her.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 06, 2013 9:50 AM  
**To:** Donner, Lynette [IWD]  
**Cc:** Benson, Joni [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

Well, I'm happy to be able to relieve you of the burden of doing research for both files. I'm sure you have other pressing things that you can do with your time. I will look for the file next week.

Thanks much for your cooperation,  
Teresa

---

**From:** Donner, Lynette [IWD]  
**Sent:** Monday, May 06, 2013 9:48 AM  
**To:** Hillary, Teresa [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

I didn't take any file home with me but this one. I brought this one home because it was a unique issue that might deserve a closer examination and it even looked like something that might be able to resolved without a hearing.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 06, 2013 9:46 AM  
**To:** Donner, Lynette [IWD]; Benson, Joni [IWD]  
**Cc:** Walsh, Joseph [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

Just happened today. The minute before I sent you the e-mail. The claimant noticed it when she got her hearing notice and called in this am. Vanessa transferred the call to me, I took the information to Joni and you were immediately notified by e-mail. Part of the discussion at the last staff meeting was the alj's who work from home would not take more than two weeks of files with them. The hearing set for you that was moved was for May 29. Today is May 6 so you have files with you that are 23 days out from hearing. Why are you taking more than two weeks of files home with you? If the file had been left at the office, there would be no need for you to deal with it.

---

**From:** Donner, Lynette [IWD]  
**Sent:** Monday, May 06, 2013 9:40 AM  
**To:** Hillary, Teresa [IWD]; Benson, Joni [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

I already did the research on Friday. Will leave it in the file. Will bring in the file next week and will put it in Tere's box.

Please let me know asap when a file that has been previously scheduled for me is being moved to someone else. I pretty much keep track of my advance scheduling on a daily basis.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 06, 2013 9:37 AM  
**To:** Benson, Joni [IWD]; Donner, Lynette [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

Pls bring the files back to me. I am handling both of them. No need to do independent research.

Thanks much

Teresa

---

**From:** Benson, Joni [IWD]  
**Sent:** Monday, May 06, 2013 9:33 AM  
**To:** Hillary, Teresa [IWD]  
**Subject:** FW: 04631.DT - Moving Overpayment Hearing

FYI

---

**From:** Donner, Lynette [IWD]  
**Sent:** Monday, May 06, 2013 9:33 AM  
**To:** Benson, Joni [IWD]  
**Subject:** RE: 04631.DT - Moving Overpayment Hearing

So 04630 is also being moved from me to Terri? I had pulled the file and brought it home with me because it appears there are different issues I have been researching/checking into.

---

**From:** Benson, Joni [IWD]  
**Sent:** Monday, May 06, 2013 9:30 AM  
**To:** Donner, Lynette [IWD]; Hillary, Teresa [IWD]  
**Cc:** Anderson, Donnell [IWD]  
**Subject:** 04631.DT - Moving Overpayment Hearing

Lynette,

The overpayment case (04631.DT) should have been scheduled with hearing 04630.H2T. I am moving the overpayment case from you to Teresa.

Donni, please give this file to Teresa.

APLE H2 051613 WEEKLY ITINERARY FOR TERESA HILLARY 09:27:40 05/06/2013  
 TIME APPEAL# APPELLANT RESPONDENT LOC

THURSDAY MAY 16, 2013  
 02:30 13AUI 04630 HOLWERDA, SHERI HOLWERDA LAW OFFICE TE  
 02:35 13AUI 04631 HOLWERDA, SHERI TE

**Joni K. Benson**  
 Iowa Workforce Development - UI Appeals

Ph: 515-281-8484 FAX: 515-242-5144  
email: [joni.benson@iwd.iowa.gov](mailto:joni.benson@iwd.iowa.gov)



*Please consider the environment before printing this e-mail.*

**Message: RE: FAXES****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: 40860888  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: FAXES**

**From** Lewis, Devon [IWD]      **Date** Monday, May 13, 2013 9:29 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

 **image001.gif** (5 Kb HTML)

That's what I figured and why I responded ;-)

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 13, 2013 9:29 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: FAXES

Thanks, the electronic exhibit file etc would solve problem. That is if the idea ever gets off the ground. So far, nuthin done on it as far as I know.

---

**From:** Lewis, Devon [IWD]  
**Sent:** Monday, May 13, 2013 9:27 AM  
**To:** Wise, Steve [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [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]  
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**Subject:** RE: FAXES

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**Subject:** FAXES

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Thanks everyone!

-Joni

**Message: 12-14858-D Moreno/Express Svcs decision****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: 40860889  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **12-14858-D Moreno/Express Svcs decision**

**From** Lewis, Devon [IWD]      **Date** Monday, May 13, 2013 11:30 AM  
**To** Donner, Lynette [IWD]  
**Cc**

Lynette,  
 I have the overpayment decision hearing today that goes with the separation hearing you held on January 28. APLF shows no decision has been issued. I need to know what your separation decision is before I can issue my overpayment decision, otherwise I will indicate no separation decision has been filed and affirm the overpayment pending that decision. The 45 day deadline for my decision is May 23.  
 Thank you.

APLF x8352      LOW APPEAL CASE INFORMATION  
 12 A UI 14858 OC 05/27/12 REF 02 FILED 12/18/12 ENTRY 12/21/12 APLNT CLMNT  
 LAWS 96.5-2-A                      96.5-1

COMMENTS  
 03 04

CLM MORENO, DOMINIQUE, D      EMP EXPRESS SERVICES INC  
 1028 SE 10TH ST                      PO BOX 720660  
 DES MOINES IA                      OKLAHOMA CITY OK

50309-5320 73172-0000  
DISP - ACTIVE CLAIM TYPE - INTRA  
HEARING 01/28/13 01:00 PM ALJ D MAILED 12/28/12 LOC TELEPHONE  
POSTPONEMENT BY REQ BY MAILED  
DECISION  
AMENDED  
RO DECSN STATUS

*Dévon*

**Message: eab remand issues 02534+02535-L**

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**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: 40860892  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **eab remand issues 02534+02535-L**

**From** Lewis, Devon [IWD]      **Date** Thursday, May 16, 2013 3:30 PM  
**To** Walsh, Joseph [IWD]  
**Cc** Hillary, Teresa [IWD]

---

 [02534.L.doc](#) (57 Kb HTML)  [02535.L.doc](#) (50 Kb HTML)

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C was unrepresented at the initial hrg on reasonable assurance only. C's detailed appeal letter was admitted as an exhibit. The E did not participate.

C's atty appealed and the bd remanded for further development of the record on an issue that had not been addressed at claims (partial unemployment/on-call work). That issue was also left off our hearing notice. Fortunately, the parties waived FF and notice.

The board should have remanded the issue to claims, not back to me. This remand does nothing to change my original decision on the reasonable assurance. I know Rick likes to get esoteric but this was a lack of understanding of the separate issue and a waste of resources.  
Decisions attached.

*Devon*

IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS

<p><b>AARON D POWELL</b></p> <p><b>1815 YORK ST</b></p> <p><b>DES MOINES IA 50316-2047</b></p> <p><b>DES MOINES AREA COMM COLLEGE</b></p> <p><b>ATTN PAYROLL</b></p> <p><b>2006 S ANKENY BLVD</b></p> <p><b>ANKENY IA 50023-</b></p> <p><b>ERIC UPDEGRAFF</b></p> <p><b>ATTORNEY AT LAW</b></p> <p><b>300 WALNUT STE 260</b></p> <p><b>DES MOINES IA 50309-</b></p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p><b>APPEAL NO. 130-UI-02534-LT</b></p> <p><b>ADMINISTRATIVE LAW JUDGE</b></p> <p><b>DECISION</b></p> <p><b>APPEAL RIGHTS:</b></p> <p><b>This Decision Shall Become Final</b>, 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>4<sup>th</sup> Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><b>OR</b></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p><i>The appeal</i> 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><b>SERVICE INFORMATION:</b></p>
---	--

A true and correct copy of this decision was mailed to each of the parties listed.
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**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>AARON D POWELL</b>	68-0157 (9-06) - 3091078 - EI
<b>Claimant</b>	<b>APPEAL NO. 13O-UI-02534-LT</b>
<b>DES MOINES AREA COMM COLLEGE</b>	<b>ADMINISTRATIVE LAW JUDGE</b>
<b>Employer</b>	<b>DECISION</b>
	<b>OC: 05/06/12</b>
	<b>Claimant: Appellant (1)</b>

Iowa Code § 96.4(5) – Reasonable Assurance

NEW REMAND ISSUE: Iowa Code § 96.19(38)a & b – Total and Partial Unemployment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 2, 2012 (reference 03) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on December 18, 2012. Claimant participated and was unrepresented. Employer responded to the hearing notice instructions but was not available when the hearing was called and did not participate. Claimant's Exhibit A (November 16, 2012 appeal letter) was received. The employer called after the hearing record was closed and said she was not available at the time the hearing was called or during the hearing because she had a student in her office.

The claimant appealed and the board remanded for further evidence on the issue of claimant's "on-call" status and/or eligibility for partial unemployment insurance benefits. The issue had not yet been determined at the claims level. The parties waived fact-finding interview and notice of Iowa Code § 96.19(38)a & b regarding total and partial unemployment and evidence was taken on this issue at hearing on May 16, 2013. Claimant's Exhibits A through D were received. Additional ECH information for four terms during the base period was solicited and obtained

without objection after the hearing. Copies of those e-mails are in the administrative file.

**ISSUE:**

Did claimant have reasonable assurance of continued employment in the next school term?

NEW REMAND ISSUE: Is the claimant partially unemployed effective May 6, 2012?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The December 18, 2012 hearing finding of fact remains the same: Claimant has been employed as an adjunct instructor with DMACC since the summer of 2007. He works when school is in session and has worked every session, including summer sessions, since then. He is paid hourly as an instrumentalist and lesson instructor and by the course according to the number of students for the guitar courses. Claimant has no other regular non-educational institution employment wage credits in the base period.

Claimant admits at the May 16, 2013 remand hearing he is not eligible for benefits between terms because he has reasonable assurance of employment between successive terms.

The following addresses the separate issue of claimant's "on-call" or partial unemployment status that the board remanded without a determination at the claims level. The parties waived fact-finding interview and notice. Claimant argues his original contract of hire did not contemplate employment beyond a three-month term but he considers "regular" employment as a series of school terms. He also argues he is entitled to partial unemployment benefits during terms when he is teaching fewer credit hours, including summer terms.

Since the original claim date of May 6, 2012, claimant had wages from the named employers in the following quarters:

Employer 1/2011 2/2011 3/2011 4/2011 1/2012 2/2012 3/2012 4/2012 1/2013

Grandview 2835 945 420 1260 2817 938 560 1680 3690

Simpson 2790 930 623 1869 3737 1245

DMACC 6466 8262 4497 10902 7296 5660 7066 12680 9100

Full-time faculty teach 16 ECH credits/units per term. The employer policy provides that adjunct instructors are “at-will” employees whose employment is “contingent on the need for their services” and “enrollment,” among other unrelated issues. “There is no expectation of ongoing employment” and course loads (ECH units) may change depending on enrollment. “Adjunct faculty are restricted in the amount of time they may work for the College. An adjunct faculty may not have a load of 8 or more ECH’s (sic) during both fall and spring terms of an Academic Year.” (Claimant’s Exhibit D, pp. 18, 19)

Since the beginning of the base period, claimant taught the following ECH units per term: Spring 2011, 3.8 ECH; summer 2011, 1.44 ECH; fall 2011, 3.8 ECH; spring 2012, 3.8 ECH; summer 2012, 2.8 ECH; fall 2012, 6 ECH; spring 2013, 6 ECH; summer 2013; 2.88 ECH; and fall 2013; 6 ECH.

### **REASONING AND CONCLUSIONS OF LAW:**

The reasoning and conclusions of law from the December 18, 2012 record remains the same: For the reasons that follow, the administrative law judge concludes the claimant did have reasonable assurance of returning to work the following academic term or year.

Ref. 37, 214

In this case, the claimant did not have other non-educational institution wage credits in the base period and did have reasonable assurance of continued employment for the summer term. As a result, the claimant is not considered unemployed. Claimant argues that he is partially unemployed between terms, especially during the summer term when his income is lower than during the traditional nine month school year from late August to May. Because the only base period wage credits are related to adjunct teaching work, the implied understanding is that the claimant will only work during terms when work is available and that work will not be available between terms. Because claimant was hired to work as an adjunct instructor and has worked regularly during each school term for five years with this employer, he is not considered to be unemployed or partially unemployed between academic terms, even when teaching and earning less during the summer term. Accordingly, benefits are denied. If there is a term when work is not available to him or the employer withdraws the course offering, that status may be reconsidered.

For the reasons that follow, the administrative law judge concludes the claimant is not partially unemployed.

Ref. 35

The claimant is not considered a substitute worker/teacher or an "on-call" employee or pursuant to Iowa Admin. Code r. 871-24.22(2)i(1),(3). Substitute work indicates the worker is filling in at the behest of the employer for another worker who is unable to work, for whatever reason and claimant works for Grandview and worked for Simpson so he does not hold himself out for only work with DMACC. On-call employment implies that the employee, such as a banquet or event worker, is called to work when sporadic work is available. Claimant was hired to work as an adjunct instructor and has consistently worked each term, including summers. As adjunct faculty, he is limited by the policy terms to half of the full-time faculty's 16 ECH units or hours per term. This evinces part-time employment. Even with that status, claimant is not considered unemployed since the employer has consistently provided him with regular part-time employment as shown by his wages. That he works fewer ECH units in the summer or other terms does not render him partially unemployed either. In fact, he never worked eight ECH units in any term and in only 3 of 9 terms did he teach 6 ECH units, so he has never taught a maximum part-time load. Teachers at any level of education understand, as a general if not universal proposition, that there are fewer instructional hours at certain times of the year, primarily during summer terms. Because the claimant does not have any full-time base period ECH units or full-time wages with this or any other employer and the level of employment is consistent with his base period wage history with this employer, he may not be considered partially unemployed since May 6, 2012. Benefits are denied.

**DECISION:**

The decision from the December 18, 2012 record remains the same: The October 2, 2012 (reference 03) decision is affirmed. The claimant did have reasonable assurance of returning to work the following academic term. Benefits are denied. As to the new remand issue, the claimant is not considered partially unemployed. Benefits are denied.

---

Dévon M. Lewis

Administrative Law Judge

---

Decision Dated and Mailed

dml/

---

IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS

<p><b>AARON D POWELL</b></p> <p><b>1815 YORK ST</b></p> <p><b>DES MOINES IA 50316-2047</b></p> <p><b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b></p> <p><b>ERIC UPDEGRAFF</b></p> <p><b>ATTORNEY AT LAW</b></p> <p><b>300 WALNUT STE 260</b></p> <p><b>DES MOINES IA 50309-</b></p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p><b>APPEAL NO. 13O-UI-02535-LT</b></p> <p><b>ADMINISTRATIVE LAW JUDGE</b></p> <p><b>DECISION</b></p> <p><b>APPEAL RIGHTS:</b></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>4<sup>th</sup> Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><b>OR</b></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p><i>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.</i></p> <p><b>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</b></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><b>YOU MAY REPRESENT</b> 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>
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**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>AARON D POWELL</b>	68-0157 (9-06) - 3091078 - EI
<b>Claimant</b>	<b>APPEAL NO. 13O-UI-02535-LT</b>
<b>IOWA WORKFORCE DEVELOPMENT</b>	<b>ADMINISTRATIVE LAW JUDGE</b>
<b>DEPARTMENT</b>	<b>DECISION</b>
	<b>OC: 05/06/12</b>
	<b>Claimant: Appellant (1)</b>

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

**STATEMENT OF THE CASE:**

The claimant appealed the November 8, 2012 (reference 04) representative's decision that concluded claimant is obligated to repay unemployment insurance benefits in the gross amount of \$4,115.00 for the 14 week period ending August 25, 2012 as a result of a representative's decision that has now been affirmed. A telephone hearing was held on December 18, 2012 pursuant to due notice. The claimant participated without representation.

The claimant appealed and the board remanded for further evidence on the issue of claimant's "on-call" status and/or eligibility for partial unemployment insurance benefits. The issue had not yet been determined at the claims level. The parties waived fact-finding interview and notice of Iowa Code § 96.19(38)a & b regarding total and partial unemployment and evidence was taken on this issue at hearing on May 16, 2013. That issue was also resolved adverse to the claimant and covered the same benefit payment period. See, 13O-UI-02534-L-T.

**ISSUE:**

Did the claimant receive and is he obligated to repay the gross amount of

unemployment insurance benefits received for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a representative's ineligibility decision that has now been affirmed on two different issues. Claimant did receive gross benefits in the amount of \$4,115.00 for the 14 week period ending August 25, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Ref. 41A

Although claimant did not engage in any fraud or willful misrepresentation to obtain the benefits, he received benefits to which he was not entitled according to the representative's ineligibility decision that has now been affirmed on two different issues covering the same benefit payment period. Those benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The November 8, 2012 (reference 04) representative's decision is affirmed. The claimant has received unemployment insurance benefits in the amount of \$4,115.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

---

Dévon M. Lewis

Administrative Law Judge

---

Decision Dated and Mailed

dml/

---

**Message: FW: ERIC ERA**

---

**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: 40860895  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: ERIC ERA**

**From** Lewis, Devon [IWD]      **Date** Monday, May 20, 2013 2:58 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

---

**From:** Lewis, Devon [IWD]  
**Sent:** Monday, May 20, 2013 2:58 PM  
**To:** IWD-HelpDesk  
**Subject:** FW: ERIC ERA

I need to have someone remote in to my laptop and find out why I don't have access to ERA. I don't believe it had it since my laptop was reimaged. I've been told (by non-IT personnel) that ERIC replaced ERA but just found out that is inaccurate. The lack of ERA has adversely affected two decisions, so I need to have it installed/mapped asap.

Thank you,  
Dévon

*Dévon M. Lewis*

Administrative Law Judge  
Iowa Workforce Development  
1000 E Grand Ave  
Des Moines IA 50319-0209  
515.281.3747  
800.532.1483  
[devon.lewis@iwd.iowa.gov](mailto:devon.lewis@iwd.iowa.gov)

NOTICE: This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error and then delete it. Thank you.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 20, 2013 2:31 PM  
**To:** Walsh, Joseph [IWD]  
**Cc:** Lewis, Devon [IWD]  
**Subject:** ERIC ERA

Joe,

Devon is telling me she does not have access to ERA. She thought that all of the information on ERA was replaced by ERIC. The alj's need to be told that they need to look in both ERIC and ERA for documents. I would think that if you don't have access to ERA that the help should be able to make that happen. Can you let the alj's know that they should be able to access both ERIC and ERA.

Thanks much  
Teresa

**Message: RE: ERIC ERA**

---

**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: 40860896  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: ERIC ERA**

**From** Lewis, Devon [IWD] **Date** Monday, May 20, 2013  
3:17 PM  
**To** Hillary, Teresa [IWD]; Walsh, Joseph  
[IWD]  
**Cc**

---

The help desk got it resolved.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, May 20, 2013 2:31 PM  
**To:** Walsh, Joseph [IWD]  
**Cc:** Lewis, Devon [IWD]  
**Subject:** ERIC ERA

Joe,

Devon is telling me she does not have access to ERA. She thought that all of the information on ERA was replaced by ERIC. The alj's need to be told that they need to look in both ERIC and ERA for documents. I would think that if you don't have access to ERA that the help should be able to make that happen. Can you let the alj's know that they should be able to access both ERIC and ERA.

Thanks much  
Teresa

**Message: RE: Part-time Quit**

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**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:31:58 PM  
Item ID: 40860900  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: Part-time Quit**

**From** Lewis, Devon [IWD]      **Date** Tuesday, May 21, 2013 2:34 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

 [image001.jpg](#) (3 Kb HTML)

---

I'm assuming you mean working full-time for 28 days and calling it a part-time quit.

*Devon*

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Tuesday, May 21, 2013 2:04 PM  
**To:** Lewis, Devon [IWD]  
**Subject:** FW: Part-time Quit

For Thursday meeting.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Tuesday, May 21, 2013 1:05 PM  
**To:** Koonce, Kerry [IWD]  
**Subject:** FW: Part-time Quit

Kerry,

I just wanted you to see this from Ryan, he and Dave Ecklund have both confirmed for me that per legal counsels advice we are allowing someone to work for 28 days (four weeks) and still calling it a part-time quit and giving them benefits. Just plain wrong.

Thanks much  
Teresa

---

**From:** West, Ryan [IWD]  
**Sent:** Tuesday, May 21, 2013 12:54 PM  
**To:** Hillary, Teresa [IWD]  
**Subject:** Part-time Quit

Hi Teresa,

Sorry I missed you when your meeting was over. I have attached some random 319 documents here "you probably have these". This is what we give the advisors down here. If you have a part-time job under 28 days we are suppose to run the 319 on quits where there are enough wages elsewhere to keep the claim monetarily valid. In my small opinion this is something that needs to be reviewed. As you know we tend to allow claimants who should clearly be denied but don't ever hear about it because we don't charge the employer. Let me know if this is what you were looking for.

Ryan West  
Regional Operations Manager  
Iowa Workforce Development  
(515) 242-0413 P  
(515) 281-9321 F

 titlegraphic

**Message: DAT & A&A**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:31:58 PM  
Item ID: 40860902  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **DAT & A&A**

**From** Lewis, Devon [IWD]      **Date** Wednesday, May 22, 2013 12:59 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

I think we were talking about this earlier.

**871-24.39(2)** A claimant may receive unemployment insurance while attending a training course approved by the department. While attending the approved training course, the claimant need not be available for work or actively seeking work.

*Devon*

**Message: work sheet issue****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860903  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **work sheet issue**

**From** Lewis, Devon [IWD] **Date** Wednesday, May 22, 2013  
 3:35 PM  
**To** Baughman, Myra [IWD]  
**Cc** Walsh, Joseph [IWD]; Hillary, Teresa  
 [IWD]

FYI and for future reference - I think you mean to use 96.11-16, not -15. The rep's decision had the same error so I will bring that to someone's attention in Claims at the meeting tomorrow morning.

APLF 480501646 LOW APPEAL CASE INFORMATION  
 13 A UCFE 00016 OC 11/29/09 REF 03 FILED 03/14/13 ENTRY 04/18/13 APLNT CLMNT  
 LAWS 96.11-15 871IAC25.16

COMMENTS WHETHER THE WITHHOLDING OF THE STATE TAX  
 FF REFUND TO RECOVER A PRIOR OVERPAYMENT I  
 S VALID.

CLM BARTON, CONNIE, S  
 505 E MAPLE  
 LIBERTYVILLE IA

52567-0000  
 DISP - ACTIVE CLAIM TYPE - INTRA  
 HEARING 05/16/13 10:30 AM ALJ L MAILED 04/25/13 LOC TELEPHONE

96.11-15. *Special contractor numbers*. For purposes of contractor registration under [chapter 91C](#), the

department shall provide for the issuance of special contractor numbers to contractors for whom employer accounts are not required under [this chapter](#). A contractor who is not in compliance with the requirements of [this chapter](#) shall not be issued a special contractor number.

16. *Reimbursement of setoff costs.* The department shall include in the amount set off in accordance with [section 8A.504](#), for the collection of an overpayment created pursuant to [section 96.3, subsection 7](#), or [section 96.16, subsection 4](#), an additional amount for the reimbursement of setoff costs incurred by the department of administrative services.

*Dévon*

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860926  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**

Wednesday,  
 May 29, 2013  
 10:37 AM

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

**Cc**

Starting suggestion. Any others?

Online resources:

National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>

Facts About Unemployment Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>

Employer account access and information: [https://www.myiowaui.org/UITIPTaxWeb/  
<http://www.iowaworkforce.org/ui/uiemployers.htm>](https://www.myiowaui.org/UITIPTaxWeb/http://www.iowaworkforce.org/ui/uiemployers.htm)

*Devon*

**From:** Lewis, Devon [IWD]

**Sent:** Tuesday, May 28, 2013 10:35 AM

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

Wise, Debra [IWD]; Wise, Steve [IWD]

**Subject:** My Iowa UI reference on decisions

The Director mentioned in the Appeals/Claims meeting last week that she would like a reference to MyIowaUI on our decisions. One ALJ (not sure who) is currently doing that and I insert a reference when the E needs to make a name or address correction. The easiest way to incorporate that would be to add something to the caption that ends up at the end of the decision after our signature. Any other suggestions? Is there a similar reference for claimants we should include?

I use this but it is excessive for a simple general reference.

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<http://www.youtube.com/watch?v=mpCM8FGQoY>

*Dévon*

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860922  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**

Wednesday,  
 May 29, 2013  
 10:44 AM

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

**Cc**

That would print on all pages of the decision rather than on just one?

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 10:39 AM

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

**Subject:** RE: My Iowa UI reference on decisions

Susan runs a reference to the UI Appeal index of decn as a footer to her decn. That website is not up to date. Let's put a footer to <http://skillediowa.org/> at the bottom of our decns.

Teresa Hillary

---

**From:** Lewis, Devon [IWD]  
**Sent:** Wednesday, May 29, 2013 10:37 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

Starting suggestion. Any others?

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<http://www.iowaworkforce.org/ui/uiemployers.htm>

*Devon*

---

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**Sent:** Tuesday, May 28, 2013 10:35 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** My Iowa UI reference on decisions

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[http://www.youtube.com/watch?v=\\_mpCM8FGQoY](http://www.youtube.com/watch?v=_mpCM8FGQoY)

*Devon*

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860925  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**  
 Wednesday,  
 May 29, 2013  
 10:48 AM

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

**Cc**

I was thinking of one block of info after the signature and date at the end of the decision.

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 10:46 AM

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

**Subject:** RE: My Iowa UI reference on decisions

Look at Susan's decn on the q at 13A-UI-00580-BT. It prints at the bottom of every page, a footer.

<http://www.iowaworforce.org/ui/appeals/index.html>

---

**From:** Lewis, Devon [IWD]  
**Sent:** Wednesday, May 29, 2013 10:43 AM  
**To:** Hillary, Teresa [IWD]; Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

That would print on all pages of the decision rather than on just one?

---

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**Sent:** Wednesday, May 29, 2013 10:39 AM  
**To:** Lewis, Devon [IWD]; Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

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Teresa Hillary

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**Subject:** RE: My Iowa UI reference on decisions

Starting suggestion. Any others?

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<http://www.iowaworkforce.org/ui/uiemployers.htm>

*Devon*

---

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**Sent:** Tuesday, May 28, 2013 10:35 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** My Iowa UI reference on decisions

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[http://www.youtube.com/watch?v=\\_mpCM8FGQoY](http://www.youtube.com/watch?v=_mpCM8FGQoY)

*Dévon*

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860923  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**  
 Thursday,  
 May 30, 2013  
 10:11 AM

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

**Cc**

I like Steve's placement proposal.

---

**From:** Wise, Steve [IWD]

**Sent:** Wednesday, May 29, 2013 12:41 PM

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

**Subject:** RE: My Iowa UI reference on decisions

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---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/

Online resources:

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---

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 12:22 PM

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

**Subject:** RE: My Iowa UI reference on decisions

I like Devon's information that includes everything after the signature line. I included it in the decn I wrote today.

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**From:** Mormann, Marlon [IWD]

**Sent:** Wednesday, May 29, 2013 11:58 AM

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

**Subject:** RE: My Iowa UI reference on decisions

If we refer to skillediowa we should tell the parties what it is.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

---

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 10:39 AM

**To:** Lewis, Devon [IWD]; Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise,

Debra [IWD]; Wise, Steve [IWD]

**Subject:** RE: My Iowa UI reference on decisions

Susan runs a reference to the UI Appeal index of decn as a footer to her decn. That website is not up to date. Let's put a footer to <http://skillediowa.org/> at the bottom of our decns.

Teresa Hillary

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**Subject:** RE: My Iowa UI reference on decisions

Starting suggestion. Any others?

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*Devon*

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**From:** Lewis, Devon [IWD]

**Sent:** Tuesday, May 28, 2013 10:35 AM

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**Subject:** My Iowa UI reference on decisions

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*Devon*



**Message: RE: UI case out today****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860924  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: UI case out today**

**From** Lewis, Devon [IWD]

**Date**  
 Thursday,  
 May 30, 2013  
 10:49 AM

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

**Cc**

Nice job, Marlon. I'm going to save the language "the warning weighs heavily toward a finding of intentional conduct" for future use, if you don't mind.

*Devon*

---

**From:** Mormann, Marlon [IWD]

**Sent:** Thursday, May 30, 2013 9:45 AM

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

**Subject:** RE: UI case out today

That was my case, so you don't need to look it up. I wrote a

rather long decision.

<http://decisions.iowaworkforce.org/ui/2011/07591.M.pdf>

**Marlon Mormann, Administrative Law Judge**

**515-265-3512**

---

**From:** Donner, Lynette [IWD]

**Sent:** Thursday, May 30, 2013 8:45 AM

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

**Subject:** UI case out today

Court summary:

**No. 12-1825 [3-382]**

**GOODWIN v. EMPLOYMENT APPEAL BOARD**

**AFFIRMED.**

Appeal from the Iowa District Court for Polk County, Carla T. Schemmel, Judge. Heard by Vogel, P.J., and Vaitheswaran and Bower, JJ. Opinion by Vogel, P.J. (9 pages)

Kimberly Goodwin appeals the district court's ruling on judicial review, which affirmed the Employment Appeal Board's (EAB's) decision to deny her unemployment benefits. The denial was based on excessive unexcused absenteeism, which the EAB concluded amounted to misconduct. Goodwin claims that her absences from work were excused as a matter of law and thus, cannot support a finding of misconduct. **OPINION HOLDS:** Goodwin had at least three prior instances of absenteeism that were unexcused. She had been warned three times regarding her excessive absenteeism and acknowledged she was on probation at the time of the termination. The final absence was in direct contravention to the warning of the employer. These facts, when applied to the law, satisfy the definition of "excessive unexcused absenteeism" under Iowa Administrative Code rule 871-24.32(7). Because we find the agency's application of law to fact was not irrational, illogical, or wholly unjustifiable, we affirm the district court's ruling upholding the agency's decision to deny Goodwin unemployment benefits.

[http://www.iowacourts.gov/court\\_of\\_appeals/Recent\\_Opinions/20130530/3-382.pdf](http://www.iowacourts.gov/court_of_appeals/Recent_Opinions/20130530/3-382.pdf)

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860929  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**  
 Thursday,  
 May 30, 2013  
 2:54 PM

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

**Cc**

 =====0000 CAPTION-13 mockup=====.doc (49 Kb HTML)

I copied the text on a sample caption and made it fit at the bottom of the page by deleting the top three blank lines on each side of the divided page. Is that how you did that Steve? I also capitalized and made 'bold' the 'online resources' to make it stand out a bit more. Unless there is an objection from Joe or anyone else, we should start including this in our decision captions.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/

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

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*Devon*

---

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*Dévon*

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**APPEAL NO. 13A-UI--LT  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**APPEAL RIGHTS:**

**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:

*Employment Appeal Board*

*4<sup>th</sup> Floor – Lucas Building*

*Des Moines, Iowa 50319*

OR

*Fax Number: (515)281-7191*

*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.*

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

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.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**ONLINE RESOURCES:**

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**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>Claimant</b>	68-0157 (9-06) - 3091078 - EI
<b>Employer</b>	<b>APPEAL NO. 13A-UI--LT</b> <b>ADMINISTRATIVE LAW JUDGE</b> <b>DECISION</b>
	<b>OC: /13</b> <b>Claimant: ()</b>

**STATEMENT OF THE CASE:**

The filed an appeal from the , 2013 (reference 0) decision that benefits. After due notice was issued, a hearing was held by telephone conference call on , 2013. Claimant participated. Employer participated through .

**ISSUE:**

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed -time as a and was separated from employment on , 201. H last day of work was .



**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:58 PM  
 Item ID: 40860932  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD]

**Date**  
 Thursday,  
 May 30, 2013  
 4:03 PM

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

**Cc**

Thanks, Steve. Looks good to me. Any comments or suggestions before we finalize this? Order of links? Other?

**From:** Wise, Steve [IWD]

**Sent:** Thursday, May 30, 2013 3:23 PM

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

**Subject:** RE: My Iowa UI reference on decisions

Okay so I forgot to CAP **ONLINE RESOURCES:** This one fixes that.

**From:** Wise, Steve [IWD]

**Sent:** Thursday, May 30, 2013 3:06 PM

**To:** Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

No I just copied and pasted the information in the footer on the first page. The Form Decision is set up with a "Different First Page" setting for headers and footers so anything put in the Footer on the first page will only show on the first page. If you do it that way, you don't have to do anything with the other text on the page. The Footer method is simpler. I have attached a FORM DECISION WITH INTERNET INFO.doc and bolded what Devon suggested bolding. If anyone has any questions on how to do, this let me know.

If this is approved, we could share this information with Word Processing and if one slips past without the info on the first page they can add it.

Steve

---

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, May 30, 2013 2:54 PM  
**To:** Wise, Steve [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
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**Sent:** Wednesday, May 29, 2013 12:41 PM  
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Administrative Law Judge

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Decision Dated and Mailed

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**Sent:** Wednesday, May 29, 2013 12:22 PM

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**From:** Mormann, Marlon [IWD]

**Sent:** Wednesday, May 29, 2013 11:58 AM

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

**Subject:** RE: My Iowa UI reference on decisions

If we refer to skillediowa we should tell the parties what it is.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

---

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 10:39 AM

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

**Subject:** RE: My Iowa UI reference on decisions

Susan runs a reference to the UI Appeal index of decn as a footer to her decn. That website is not up to date. Let's put a footer to <http://skillediowa.org/> at the bottom of our decns.

Teresa Hillary

---

**From:** Lewis, Devon [IWD]

**Sent:** Wednesday, May 29, 2013 10:37 AM

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

**Subject:** RE: My Iowa UI reference on decisions

Starting suggestion. Any others?

Online resources:

National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>

Facts About Unemployment Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

<http://www.iowaworkforce.org/ui/uiemployers.htm>

*Devon*

---

**From:** Lewis, Devon [IWD]

**Sent:** Tuesday, May 28, 2013 10:35 AM

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

**Subject:** My Iowa UI reference on decisions

The Director mentioned in the Appeals/Claims meeting last week that she would like a reference to MyIowaUI on our decisions. One ALJ (not sure who) is currently doing that and insert a reference when the E needs to make a name or address correction. The easiest way to incorporate that would be to add something to the caption that ends up at the end of the decision after our signature. Any other suggestions? Is there a similar reference for claimants we should include?

I use this but it is excessive for a simple general reference.

**NOTE TO EMPLOYER:**

If you wish to change the of record, please access your account at:

<https://www.myiowaui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

[http://www.youtube.com/watch?v=\\_mpCM8FGQoY](http://www.youtube.com/watch?v=_mpCM8FGQoY)

*Dévon*

**Message: RE: My Iowa UI reference on decisions****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:59 PM  
 Item ID: 40860936  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: My Iowa UI reference on decisions**

**From** Lewis, Devon [IWD] **Date** Friday, May 31, 2013 9:44 AM  
**To** Mormann, Marlon [IWD]  
**Cc** Wise, Steve [IWD]

WP is short-staffed (vacation) and the new WP is very slow. I'm just changing mine as I open new captions.

**From:** Mormann, Marlon [IWD]  
**Sent:** Friday, May 31, 2013 9:42 AM  
**To:** Wise, Steve [IWD]; Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Cc:** Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Levell, Terra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

OK, Steve, are you telling me I need to modify all of my shells?  
 Perhaps I will change one and forward to WP to check it out?

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

**From:** Wise, Steve [IWD]  
**Sent:** Friday, May 31, 2013 9:15 AM  
**To:** Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD];

Timberland, James [IWD]; Wise, Debra [IWD]  
**Cc:** Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Levell, Terra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

Looks like we have a go for implementing this.

All you need to do is use the attached FORM DECISION WITH INTERNET INFO.doc or modify your existing Shell or Form decisions by copying and pasting the following into the footer on the first page. I used 9 point Arial font to have it fit in with the rest of the page.

**ONLINE RESOURCES:**

UI Appeals: <http://www.iowaworkforce.org/ui/appeals/index.html>  
National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>  
Facts About Unemployment Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>  
Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>  
<http://www.iowaworkforce.org/ui/uiemployers.htm>

I'd suggest that starting Monday, if any decision don't have this on the bottom of the first page, Word Processors should add it.

---

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, May 30, 2013 4:03 PM  
**To:** Wise, Steve [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

Thanks, Steve. Looks good to me. Any comments or suggestions before we finalize this? Order of links? Other?

---

**From:** Wise, Steve [IWD]  
**Sent:** Thursday, May 30, 2013 3:23 PM  
**To:** Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

Okay so I forgot to CAP **ONLINE RESOURCES:** This one fixes that.

---

**From:** Wise, Steve [IWD]  
**Sent:** Thursday, May 30, 2013 3:06 PM  
**To:** Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

No I just copied and pasted the information in the footer on the first page. The Form Decision is set

up with a "Different First Page" setting for headers and footers so anything put in the Footer on the first page will only show on the first page. If you do it that way, you don't have to do anything with the other text on the page. The Footer method is simpler. I have attached a FORM DECISION WITH INTERNET INFO.doc and bolded what Devon suggested bolding. If anyone has any questions on how to do, this let me know.

If this is approved, we could share this information with Word Processing and if one slips past without the info on the first page they can add it.

Steve

---

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, May 30, 2013 2:54 PM  
**To:** Wise, Steve [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeyer, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

I copied the text on a sample caption and made it fit at the bottom of the page by deleting the top three blank lines on each side of the divided page. Is that how you did that Steve? I also capitalized and made 'bold' the 'online resources' to make it stand out a bit more. Unless there is an objection from Joe or anyone else, we should start including this in our decision captions.

**ONLINE RESOURCES:**

UI Appeals: <http://www.iowaworkforce.org/ui/appeals/index.html>  
National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>  
Facts About Unemployment Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>  
Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>  
<http://www.iowaworkforce.org/ui/uiemployers.htm>

---

**From:** Wise, Steve [IWD]  
**Sent:** Wednesday, May 29, 2013 12:41 PM  
**To:** Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Lewis, Devon [IWD]; Stephenson, Randall [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeyer, Bonny [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

I assume you are talking about putting it at the very bottom of the decision as shown below. I added the UI Appeals page.

It doesn't really matter to me, but I've done a mockup with the information on the bottom of first page to show that it easily fits there. The advantage of putting it on the first page is the information will never split or be spread over to an extra page.

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/

Online resources:

UI Appeals: <http://www.iowaworkforce.org/ui/appeals/index.html>

National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>

Facts About Unemployment Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

<http://www.iowaworkforce.org/ui/uiemployers.htm>

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**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 12:22 PM

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

**Subject:** RE: My Iowa UI reference on decisions

I like Devon's information that includes everything after the signature line. I included it in the decn I wrote today.

---

**From:** Mormann, Marlon [IWD]

**Sent:** Wednesday, May 29, 2013 11:58 AM

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

**Subject:** RE: My Iowa UI reference on decisions

If we refer to skillediowa we should tell the parties what it is.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

---

**From:** Hillary, Teresa [IWD]

**Sent:** Wednesday, May 29, 2013 10:39 AM

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

**Subject:** RE: My Iowa UI reference on decisions

Susan runs a reference to the UI Appeal index of decn as a footer to her decn. That website is not up to date. Let's put a footer to <http://skillediowa.org/> at the bottom of our decns.

Teresa Hillary

---

**From:** Lewis, Devon [IWD]  
**Sent:** Wednesday, May 29, 2013 10:37 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** RE: My Iowa UI reference on decisions

Starting suggestion. Any others?

Online resources:

National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>

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Employer account access and information: <https://www.myiowauui.org/UITIPTaxWeb/>

<http://www.iowaworkforce.org/ui/uiemployers.htm>

*Devon*

---

**From:** Lewis, Devon [IWD]  
**Sent:** Tuesday, May 28, 2013 10:35 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]  
**Subject:** My Iowa UI reference on decisions

The Director mentioned in the Appeals/Claims meeting last week that she would like a reference to MyIowaUI on our decisions. One ALJ (not sure who) is currently doing that and I insert a reference when the E needs to make a name or address correction. The easiest way to incorporate that would be to add something to the caption that ends up at the end of the decision after our signature. Any other suggestions? Is there a similar reference for claimants we should include?

I use this but it is excessive for a simple general reference.

**NOTE TO EMPLOYER:**

If you wish to change the \_\_\_\_\_ of record, please access your account at:

<https://www.myiowauui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v=mpCM8FGQoY>

*Devon*



**Message: RE: footer****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:31:59 PM  
 Item ID: 40860947  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: footer**

**From** Lewis, Devon [IWD] **Date** Friday, May 31, 2013 1:37 PM  
**To** Wise, Steve [IWD]  
**Cc**

 **====0000 CAPTION-13 FOOTER====**.doc (49 Kb HTML)

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**From:** Wise, Steve [IWD]  
**Sent:** Friday, May 31, 2013 1:36 PM  
**To:** Lewis, Devon [IWD]; Mormann, Marlon [IWD]  
**Subject:** RE: footer

Send me one of your shells and let me take a look at it. My forms and Deb's forms have worked fine.

---

**From:** Lewis, Devon [IWD]  
**Sent:** Friday, May 31, 2013 1:21 PM  
**To:** Mormann, Marlon [IWD]; Wise, Steve [IWD]  
**Subject:** RE: footer

I'm having some trouble too. It leaves a very small space at the bottom of the page and quite a large gap at the top of the footer and after the page break. BTW, the footer still prints on the first page even though it shows as coming after the page break.

---

**From:** Mormann, Marlon [IWD]  
**Sent:** Friday, May 31, 2013 1:20 PM  
**To:** Wise, Steve [IWD]; Lewis, Devon [IWD]  
**Subject:** footer

I can't make the new info fit on the footer of my page. It jumps to a new page even in 8 point. There is room but footer is too small. What do I do?

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**APPEAL NO. 13A-UI--LT  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**APPEAL RIGHTS:**

**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:

*Employment Appeal Board*

*4<sup>th</sup> Floor – Lucas Building*

*Des Moines, Iowa 50319*

*or*

*Fax Number: (515)281-7191*

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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

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.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**IOA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>Claimant</b>	68-0157 (9-06) - 3091078 - EI
<b>Employer</b>	<p style="text-align: center;"><b>APPEAL NO. 13A-UI--LT</b></p> <p style="text-align: center;"><b>ADMINISTRATIVE LAW JUDGE</b></p> <p style="text-align: center;"><b>DECISION</b></p> <p style="text-align: right;"><b>OC: /13</b></p> <p style="text-align: right;"><b>Claimant: ()</b></p>

**STATEMENT OF THE CASE:**

The filed an appeal from the , 2013 (reference 0) unemployment insurance decision that benefits. The parties were properly notified about the hearing. A telephone hearing was held on , 2013. Claimant participated. Employer participated through .

**ISSUE:**

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed -time as a and was separated from employment on , 201.

**Message: FW: claims issues examples**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:00 PM  
Item ID: 40860958  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: claims issues examples**

**From** Lewis, Devon [IWD]      **Date** Wednesday, June 05, 2013 9:33 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

Got this from Marlon a while ago – just cleaning out e-mail and found this.

---

**From:** Mormann, Marlon [IWD]  
**Sent:** Monday, May 06, 2013 6:14 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: claims issues examples

I wonder if we should change this. If someone works less than 40 hours at a job before termination is it really full time. I think this is a fairly debatable fact question. I know fact finding has always done it that way and as such it is the agency policy. Right or wrong it is a fact question that perhaps we should preserve rather than change agency policy. I kind of see it like the quits in lieu of discharge. Been that way for 40 years, who are we to change it.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

---

**From:** Lewis, Devon [IWD]

**Sent:** Friday, May 03, 2013 5:18 PM

**To:** Mormann, Marlon [IWD]; Wise, Steve [IWD]; Hendricksmeier, Bonny [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]

**Subject:** claims issues examples

I'm looking for examples of cases where claims treats a claimant who was in full-time, short-term employment quit as a part-time quit. The employer is relieved of charges at FF and then we reverse and it results in an overpayment.

Don't worry about compiling a bunch of info. Just send me your decision or appeal number and I can get the rest of the info from ERIC, etc. That goes for other claims problems you might be seeing on a regular basis too. This is for potential training purposes so hopefully we can correct the problems where they originate and focus on party disputes rather than claims errors of law.

Thanks,  
*Dévon*

**Message: RE: Last call for Training Requests**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:00 PM  
Item ID: 40860960  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: Last call for Training Requests**

**From** Lewis, Devon [IWD]      **Date** Thursday, June 06, 2013 9:04 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

Tax general training – will send you e-mail from yesterday that prompted this.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 06, 2013 9:03 AM  
**To:** Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [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]  
**Cc:** Benson, Joni [IWD]  
**Subject:** Last call for Training Requests

If you have not already sent me your “wish list” for training, please do so by 4:00 pm today so I have time to add them to the list for tomorrow’s ALJ staff meeting.

Thanks much  
Teresa

**Message: FW: My Iowa UI employer change of address**

**Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:00 PM  
 Item ID: 40860961  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: My Iowa UI employer change of address**

**From** Lewis, Devon [IWD]      **Date** Thursday, June 06, 2013 9:05 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

**From:** O'Brien, Carie [IWD]  
**Sent:** Wednesday, June 05, 2013 11:20 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: My Iowa UI employer change of address

You are welcome. I would be the contact.

Carie

---

**From:** Lewis, Devon [IWD]  
**Sent:** Wednesday, June 05, 2013 11:20 AM  
**To:** O'Brien, Carie [IWD]  
**Subject:** RE: My Iowa UI employer change of address

Thanks much for the info Carie. I'll pass it along to other ALJs. We're working on a wish list of training for ALJs from various bureaus and would appreciate some input from tax on that. Please let me know if we should contact you or someone else to make those arrangements. Thanks again.

*Devon*

---

**From:** O'Brien, Carie [IWD]

**Sent:** Wednesday, June 05, 2013 11:18 AM  
**To:** Lewis, Devon [IWD]  
**Cc:** O'Brien, Carie [IWD]  
**Subject:** RE: My Iowa UI employer change of address

when MyIowaUI came online for E use,

- MyIowaUI became available in May 2010.

when and how employers were notified of it and how to change addresses of record:

- Several mailings were sent to employers, several presentations were given, flyers were mailed out and it was posted on the departments website.

and how written requests for address changes have been handled since then

- Written request are received by our Records Management staff. They can the document into MIUI and assign it to a field auditor to work. The field auditor has a workflow box, where they work from.

Is there a way to see an E address change history before and during MyIowaUI implementation?

- We did not have the ability to change an address electronically before MyIowaUI. Anything updated to an employer's account is tracked in transaction history. This gives you when it was changed, who changed it and what it was before it was changed.

Please let me know if you need anything else,  
Carie

---

**From:** Lewis, Devon [IWD]  
**Sent:** Tuesday, June 04, 2013 3:58 PM  
**To:** O'Brien, Carie [IWD]  
**Subject:** FW: My Iowa UI employer change of address

Carie,  
This info would be helpful to a decision I'm working on that is due this week.  
Thanks,  
*Devon*

---

**From:** Pfab, Karen [IWD]  
**Sent:** Thursday, May 30, 2013 2:25 PM  
**To:** Lewis, Devon [IWD]  
**Cc:** O'Brien, Carie [IWD]  
**Subject:** RE: My Iowa UI employer change of address

Devon,  
I no longer work for the Unemployment Insurance Division of Iowa Workforce Development. I've included Carie O'Brien on this email as she is responsible for the Tax Bureau and

MyIowaUI.

Karen Pfab  
Executive Officer 1  
Wage and Child Labor, Division of Labor Services  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, IA 50319-0209  
Phone 515-242-5869  
Fax 515-281-7995  
[karen.pfab@iwd.iowa.gov](mailto:karen.pfab@iwd.iowa.gov)

---

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, May 30, 2013 1:54 PM  
**To:** Pfab, Karen [IWD]  
**Subject:** My Iowa UI employer change of address

Karen,  
We in Appeals need some clarification about:  
when MyIowaUI came online for E use,  
when and how employers were notified of it and how to change addresses of record,  
and how written requests for address changes have been handled since then.  
Is there a way to see an E address change history before and during MyIowaUI  
implementation?

If someone else is better able to answer these questions, would you please forward this to  
them or give me their name?

Thanks much,  
Devon

*Devon M. Lewis*  
Administrative Law Judge  
Iowa Workforce Development  
1000 E Grand Ave  
Des Moines IA 50319-0209  
515.281.3747  
800.532.1483  
[devon.lewis@iwd.iowa.gov](mailto:devon.lewis@iwd.iowa.gov)

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**Message: opay doubled because of decision and lock delay after hearing**

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**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:00 PM  
Item ID: 40860966  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **opay doubled because of decision and lock delay after hearing**

**From** Lewis, Devon [IWD]      **Date** Thursday, June 06, 2013 10:01 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

 [05266.L.doc](#) (48 Kb HTML)

---

05266.L

*Devon*

IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS

<p>DAVID L SICK 718 EMERALD ST ONAWA IA 51040- IOWA WORKFORCE DEVELOPMENT DEPARTMENT THOMAS MOHRHAUSER ATTORNEY AT LAW PO BOX 227 MAPLETON IA 51034-0277</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p style="text-align: center;"><b>APPEAL NO. 13A-UI-05266-LT</b></p> <p style="text-align: center;"><b>ADMINISTRATIVE LAW JUDGE</b></p> <p style="text-align: center;"><b>DECISION</b></p> <p><b>APPEAL RIGHTS:</b></p> <p><b>This Decision Shall Become Final</b>, 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>4<sup>th</sup> 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>
--	--

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**IOA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>DAVID L SICK</b>	68-0157 (9-06) - 3091078 - EI
<b>Claimant</b>	<b>APPEAL NO. 13A-UI-05266-LT</b>
<b>IOWA WORKFORCE DEVELOPMENT</b>	<b>ADMINISTRATIVE LAW JUDGE</b>
<b>DEPARTMENT</b>	<b>DECISION</b>
	<b>OC: 08/05/13</b>
	<b>Claimant: Appellant (1)</b>

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

**STATEMENT OF THE CASE:**

The claimant appealed the May 1, 2013 (reference 03), decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$9,798.00 for the 23 week period ending January 12, 2013 as a result of a disqualification decision. A telephone hearing was held on June 6, 2013, pursuant to due notice. The claimant participated.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a disqualification decision that has now become final. Claimant did receive benefits in the gross amount of \$9,798.00. The employer participated in the fact-finding interview.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Ref. 41

Because the employer participated in the fact-finding interview and the benefits were regular UI and not EUC benefits, waiver does not apply. The administrative law judge understands the claimant's frustration about the delay between the fact-finding decision and the appeals disqualification decision, but must conclude he has been overpaid unemployment insurance benefits in the gross amount of \$9,798.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has become final.

**DECISION:**

The May 1, 2013 (reference 03) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$9,798.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

---

Dévon M. Lewis

Administrative Law Judge

---

Decision Dated and Mailed

dml/

---

**Message: FYI - My Iowa UI employer change of address**

**Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:00 PM  
 Item ID: 40860968  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FYI - My Iowa UI employer change of address**

**From** Lewis, Devon [IWD] **Date** Thursday, June 06, 2013 10:32 AM

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

**Cc**

---

**From:** O'Brien, Carie [IWD]  
**Sent:** Wednesday, June 05, 2013 11:20 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** RE: My Iowa UI employer change of address

You are welcome. I would be the contact.

Carie

---

**From:** Lewis, Devon [IWD]  
**Sent:** Wednesday, June 05, 2013 11:20 AM  
**To:** O'Brien, Carie [IWD]

**Subject:** RE: My Iowa UI employer change of address

Thanks much for the info Carie. I'll pass it along to other ALJs. We're working on a wish list of training for ALJs from various bureaus and would appreciate some input from tax on that. Please let me know if we should contact you or someone else to make those arrangements. Thanks again.

*Devon*

---

**From:** O'Brien, Carie [IWD]  
**Sent:** Wednesday, June 05, 2013 11:18 AM  
**To:** Lewis, Devon [IWD]  
**Cc:** O'Brien, Carie [IWD]  
**Subject:** RE: My Iowa UI employer change of address

when MyIowaUI came online for E use,

- MyIowaUI became available in May 2010.

when and how employers were notified of it and how to change addresses of record:

- Several mailings were sent to employers, several presentations were given, flyers were mailed out and it was posted on the departments website.

and how written requests for address changes have been handled since then

- Written request are received by our Records Management staff. They can the document into MIUI and assign it to a field auditor to work. The field auditor has a workflow box, where they work from.

Is there a way to see an E address change history before and during MyIowaUI implementation?

- We did not have the ability to change an address electronically before MyIowaUI. Anything updated to an employer's account is tracked in transaction history. This gives you when it was changed, who changed it and what it was before it was changed.

Please let me know if you need anything else,  
Carie

---

**From:** Lewis, Devon [IWD]  
**Sent:** Tuesday, June 04, 2013 3:58 PM  
**To:** O'Brien, Carie [IWD]  
**Subject:** FW: My Iowa UI employer change of address

Carie,

This info would be helpful to a decision I'm working on that is due this week.

Thanks,  
*Devon*

---

**From:** Pfab, Karen [IWD]  
**Sent:** Thursday, May 30, 2013 2:25 PM  
**To:** Lewis, Devon [IWD]  
**Cc:** O'Brien, Carie [IWD]  
**Subject:** RE: My Iowa UI employer change of address

Devon,  
I no longer work for the Unemployment Insurance Division of Iowa Workforce Development. I've included Carie O'Brien on this email as she is responsible for the Tax Bureau and MyIowaUI.

Karen Pfab  
Executive Officer 1  
Wage and Child Labor, Division of Labor Services  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, IA 50319-0209  
Phone 515-242-5869  
Fax 515-281-7995  
[karen.pfab@iwd.iowa.gov](mailto:karen.pfab@iwd.iowa.gov)

---

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, May 30, 2013 1:54 PM  
**To:** Pfab, Karen [IWD]  
**Subject:** My Iowa UI employer change of address

Karen,  
We in Appeals need some clarification about:  
when MyIowaUI came online for E use,  
when and how employers were notified of it and how to change addresses of record,  
and how written requests for address changes have been handled since then.  
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implementation?

If someone else is better able to answer these questions, would you please forward this to them or give me their name?  
Thanks much,  
Devon

*Devon M. Lewis*  
Administrative Law Judge  
Iowa Workforce Development  
1000 E Grand Ave  
Des Moines IA 50319-0209  
515-281.3747

800.532.1483

[devon.lewis@iwd.iowa.gov](mailto:devon.lewis@iwd.iowa.gov)

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**Message: FW: 06183.L 7/2 at 9am - message taking feedback/comments about ALJ process**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:01 PM  
Item ID: 40860995  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ FW: 06183.L 7/2 at 9am - message taking feedback/comments about ALJ process**

**From** Lewis, Devon [IWD]      **Date** Saturday, June 08, 2013 6:52 AM  
**To** Hillary, Teresa [IWD]  
**Cc** Benson, Joni [IWD]

---

A couple of comments about message taking.

I like the detail about why the C wants the reschedule. It helps to have some basic info. This has alerted me that I will likely have Joni add A&A to the reschedule notice to make sure they are not claiming benefits while on vacation – or at least as a reminder to me when I print the message for the file that I should ask about it in the hearing in case I need to remand.

Another positive, the subject line clearly indicates the appeal number, date and time of the hearing that is helpful to Joni when forwarding the information if the hearing reschedule is granted.

The only thing that would have been more helpful is if both parties were copied from APLT so I could tell without searching if this is a one or two party hearing and who has called in so far.

If it is a one party, I am likely to call the C and hold the hearing early. If it is not, I look at APLF to see who the appealing party is so I see if they put scheduling conflicts in the appeal letter.

APPEAL CASE PHONE NUMBERS 06:27:11 06/08/2013  
APPEAL#: 13 A UI 06183 SSN: 479661185  
HEARING: 07/02/2013 09:00 AM ALJ: L

CLAIMANT - SCREEN 1:  
BANDERAS, PEGGY, J 078 712 323 9459

EMPLOYER - SCREEN 1:  
ALEGENT HEALTH 000 000 0000

---

**From:** Anderson, Donnell [IWD]  
**Sent:** Friday, June 07, 2013 1:09 PM  
**To:** Lewis, Devon [IWD]  
**Subject:** 06183.L 7/2 at 9am

CL wants to reschedule because her family will be on vacation to Hawaii from 7/1-7/8. You can reach her at the number below.

APPEAL#: 13 A UI 06183 SSN: 479661185  
HEARING: 07/02/2013 09:00 AM ALJ: L

CLAIMANT - SCREEN 1:  
BANDERAS, PEGGY, J 078 712 323 9459

**Message: FW: Route Schedule & Week At A Glance For Week of 6/24/13****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:01 PM  
 Item ID: 40861028  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ FW: Route Schedule & Week At A Glance For Week of 6/24/13**

**From** Lewis, Devon [IWD] **Date** Friday, June 21, 2013 9:23 AM

**To** Hillary, Teresa [IWD]

**Cc**

 [Week of 6-24-13.doc](#) (67 Kb HTML)  [Week of June 24.docx](#) (38 Kb HTML)  [image001.gif](#) (5 Kb HTML)

Joni makes so much extra work for herself! (Week at a Glance) No other scheduling clerk has done this. She could cut her work up to a quarter if she'd not do the extraneous and duplicative stuff – and that's only from what I see.

**From:** Benson, Joni [IWD]

**Sent:** Friday, June 21, 2013 8:41 AM

**To:** Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]; Anderson, Donnell [IWD]; Alexander, Marty [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:** Route Schedule & Week At A Glance For Week of 6/24/13

FYI

**Joni K. Benson**

Iowa Workforce Development - UI Appeals

Ph: 515-281-8484 FAX: 515-242-5144

email: [joni.benson@iwd.iowa.gov](mailto:joni.benson@iwd.iowa.gov)



*Please consider the environment before printing this e-mail.*

### ROUTE SCHEDULE FOR WEEK OF: 06/24 – 06/28/13

IN HOUSE	MON 6/24	TUES 6/25	WED 6/26	THUR 6/27	FRI 6/28
B	17	TE	TE/ALJ MEETING	TE	XXX
D	XXX	XXX		TE	TE
E	77	TE	XXX	XXX	TE
H	TE	77		TE	XXX
H2	TE			TE	TE
L	TE	TE		XXX	TE
M	TE	TE		TE	TE
N	DRIVE	31	WRITE/PHONE	XXX	XXX
S	TE	TE		TE	XXX
S2	TE	TE	77	TE	TE

<b>JT</b>	<b>TE</b>	<b>TE</b>		<b>TE</b>	<b>TE</b>
<b>VS</b>	<b>TE</b>	<b>TE</b>		<b>TE</b>	<b>TE</b>
<b>W</b>	<b>TE</b>				
<b>DW</b>	<b>TE</b>	<b>TE</b>		<b>TE</b>	<b>TE</b>
<b>SW</b>	<b>TE</b>	<b>TE</b>		<b>TE</b>	<b>TE</b>

TE = telephone hearing XXX = not scheduled In Person Hrngs indicated by number

OH = Office Hours OHAH = Office Hours At Home

**Monday, June 24**

- T. Nice, travel to Dubuque
- J. Elder, DSM Local IP hrngs
- L. Donner, abs
- J. Walsh, UI Appeal, 14243, 11AM

**Tuesday, June 25**

- T. Nice, IP Dubuque
- B. Hendricksmeier, DSM Local IP hrngs
- J. Benson, annual
- J. Walsh, Mgmt. Meeting, 3PM

**Wednesday, June 26**

- B. Scheetz, DSM Local IP hrngs
- M. Alexander, abs
- J. Walsh, UISC All Staff Meeting, 1PM
- Support Staff meeting, 2:00 PM, Stanley RM
- ALJ Staff meeting, 2:30 PM, Stanley RM

**Thursday, June 27**

- Walsh, Hillary, Lewis – committee mtg.

**Friday, June 28**

- PAY DAY

• Yesterday is history, tomorrow is a mystery, and today is a gift; that's why they call it the present.

*Eleanor Roosevelt*

R. Stephenson, abs 7 – 11am

---

**Message: FW: clerk issue**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:02 PM  
Item ID: 40861040  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: clerk issue**

**From** Lewis, Devon [IWD]      **Date** Tuesday, June 25, 2013 11:38 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

fyi

---

**From:** Lewis, Devon [IWD]  
**Sent:** Tuesday, June 25, 2013 11:33 AM  
**To:** Benson, Joni [IWD]; Walsh, Joseph [IWD]  
**Subject:** clerk issue

Maybe I'm not remembering correctly but I thought we had a procedure in place for clerks to take apt info before transferring calls or taking messages about PP or other reasons.

I had another situation today when claimant called after the record was closed and said she had called in for a PP and thought clerks took her phone number but did not so she did not call when the corrected notice was sent and does not have a control number. (That PP was done in writing but if I talk to the party, I tell them to call the hrg notice number again and get a control number.)

It will save clerks many duplicate phone calls if they take apt info before taking a PP message or transferring a PP call. There are many times when I take a call in advance of a hearing for various reasons and check apt only to find that there is no evidence of a party's call.

*Devon*



**Message: RE: ALJ Training planning**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:02 PM  
Item ID: 40861043  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ RE: ALJ Training planning**

**From** Lewis, Devon [IWD]      **Date** Tuesday, June 25, 2013 12:57 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

No invite so far.  
Thanks for the info.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Tuesday, June 25, 2013 12:42 PM  
**To:** Lewis, Devon [IWD]  
**Subject:** FW: ALJ Training planning

FYI

Hey I learned today from Dave E that there is a tn3270 screen that shows cont vs reimbursable. No need to go to Iowa works. It is wageC or B.

Thanks for keeping me in the loop. Have you gotten an invite to Thursday meeting? Dave asked me about it today. I plan on attending.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Tuesday, June 25, 2013 12:23 PM  
**To:** Walsh, Joseph [IWD]  
**Cc:** Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** ALJ Training planning

The training will be on July 18 in the ICN room. Each ALJ should be able to sign on to the system so that they can actually 'use' the screens they will be taught. Dave Ecklund and Ryan West will be providing the training and will take any questions the ALJ's have about the screens or claims processes or the systems. We will be providing written materials for the ALJ's to take home with them. I've spoken to Devon about including the written materials in any ALJ desk manual that is produced. The training is anticipated to take about 4 hours, with the remainder of the time available for a staff meeting on that same day. They will train on the lotus notes, tn 3210 screens, ERA and ERIC so that ALJ's can find information not currently available to them.

Ryan suggested that Joni and Myra come to the training since Joni specifically has asked for more claims training and this will be a start to getting her trained to better understand the process.

I'm meeting again with them next week to make more progress on the materials and subjects to be covered. If you want anything included that is not mentioned above let me know.

Thanks much  
Teresa Hillary

**Message: union member work search decision**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:02 PM  
Item ID: 40861048  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **union member work search decision**

**From** Lewis, Devon [IWD]      **Date** Tuesday, June 25, 2013 2:38 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

---

 [A&A - Work Search by Resume.doc](#) (46 Kb HTML)

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This is the decision form I was telling you about. Hope it helps.

*Devon*

Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.2(1)c(6) – Résumé Work Searches

Iowa Admin. Code r. 871-24.2(1)c(5) – Union/Trade/Professional Work Searches

### **STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the , 201 (reference 0) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was held on , 201. The claimant did participate in the hearing.

### **ISSUE:**

Did the claimant make an adequate work search for the week ending , 201 and was the warning appropriate?

Should the work searches be made in-person or by résumé?at the union hiring hall?

### **FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of , 201. During the week ending , 201, the claimant failed to conduct at least two in-person work searches. he conducted those by résumé after an individual from a local workforce development office advised h it was permissible. he is seeking employment in the financial and consulting areas, which customarily seeks employees through résumé submissions.

Claimant is a member of the Local # . He reported to the union hiring hall at least during the week in question. He is listed as a work search group code 5 on his claim.

### **REASONING AND CONCLUSIONS OF LAW:**

Ref. 11

Iowa Admin. Code r. 871-24.2(1)c(6) provides: “Group “6” claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-

person contacts for employment.”

The claimant is obligated to make at least two in-person or résumé work searches during each week benefits are claimed. The claimant did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to conduct résumé work searches.

Iowa Admin. Code r. 871-24.2(1)c(5) provides: Group “5” claimants are those individuals who are members of unions, trades, or professionals having their own placement facilities. Claimants assigned to this group will be registered for work. A paid-up membership is acceptable as evidence of membership in such an organization. Loss of membership shall result in an assignment to group “2.”

Union members who normally get a job through a union hiring hall are required to contact the hiring hall once each week to satisfy their work search requirement. The claimant is a union member and did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to meet the work search requirement by contacting the union hiring hall at least once each week.

**DECISION:**

The , 201 (reference 0) decision is . The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant’s work search designation shall be changed to reflect résumé work searches effective , 201.

---

Dévon M. Lewis

Administrative Law Judge

---

Decision Dated and Mailed

dml/

---

**Message: RE: TRAINING****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:02 PM  
 Item ID: 40861050  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: TRAINING**

**From** Lewis, Devon [IWD]      **Date** Tuesday, June 25, 2013 4:02 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

 image001.jpg (3 Kb HTML)

That is a great idea and much needed. I think we're in a spot where we don't know what we don't know so it's difficult to figure out what should go in there. I guess we add as we go along.

**From:** Hillary, Teresa [IWD]  
**Sent:** Friday, June 21, 2013 10:56 AM  
**To:** Lewis, Devon [IWD]  
**Subject:** FW: TRAINING

I know you've been working on a desk manual, I would like to figure out some way to incorporate printed information, like a master list of screens available into that manual that would be available for all alj's. I'm meeting with Ryan on tue to talk details of training. Let me know anything you think I should get from him to put into that manual. We can talk more about it next week.

Ciao ciao

**From:** Walsh, Joseph [IWD]  
**Sent:** Friday, June 21, 2013 10:12 AM  
**To:** West, Ryan [IWD]  
**Cc:** Hillary, Teresa [IWD]  
**Subject:** RE: TRAINING

Ryan – Please work directly with Teresa Hillary. She is going to be in charge of scheduling and organizing all training for the Bureau.

Joe

**From:** West, Ryan [IWD]  
**Sent:** Thursday, June 20, 2013 10:45 AM  
**To:** Walsh, Joseph [IWD]  
**Subject:** TRAINING

Hi Joe,

Hey do you have a date for the training? Can we possibly look at after the second week of July?

Ryan West  
 Regional Operations Manager  
 Iowa Workforce Development  
 (515) 242-0413 P  
 (515) 281-9321 F

 titlegraphic

**From:** Wise, Steve [IWD]  
**Sent:** Wednesday, June 19, 2013 8:27 AM  
**To:** Stephenson, Randall [IWD]; Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Lewis, Devon [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]  
**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** RE: Welch Quits

I won't repeat my analysis about why the Iowa Supreme Court decision in Taylor—which disqualified a claimant who quit a non-base period full-time job after 6 days of work—forecloses treating a claimant who chooses to make a full-time job a short-term job by quitting after a few days or a few weeks as quitting a part-time job under Welch. My view is whether the claimant quits the full-time job within a week or four weeks is up, the claimant is disqualified unless there's good cause for quitting the job.

In terms of the coming to a consensus about factors to look at to decide if the job is full or part-time, I would think we could come to a consensus on those factors.

I do believe that if claimants aren't advised that they can quit a full-time job without consequence within four weeks or some similar period this is not going to create a lot of appeals.

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**From:** Stephenson, Randall [IWD]  
**Sent:** Monday, June 17, 2013 2:29 PM  
**To:** Mormann, Marlon [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Lewis, Devon [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Timberland, James [IWD]; Wise, Steve [IWD]  
**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** RE: Welch Quits

We can strive for uniformity and consensus but cannot be ruled by it. The factual determination of whether the employment is part-time or full-time depends on a number of factors as outlined by the ALJ responses and it should be ruled on a case by case basis.

The fact-finders should be told that if they decide there is a voluntary quit of part-time employment without good cause attributable to the employer and claimant has sufficient wage credits to be eligible for UI benefits, then the employer is relieved of liability and the claimant draws UI benefits based on those wage credits. This decision will result in very few appeals.

---

**From:** Mormann, Marlon [IWD]  
**Sent:** Thursday, June 13, 2013 1:42 PM  
**To:** Walsh, Joseph [IWD]; Wise, Debra [IWD]; Lewis, Devon [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Nice, Terence [IWD]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Steve [IWD]  
**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** RE: Welch Quits

I will follow a consensus created by my peers. I think we need uniformity.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

---

**From:** Walsh, Joseph [IWD]  
**Sent:** Thursday, June 13, 2013 1:15 PM  
**To:** Wise, Debra [IWD]; Lewis, Devon [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]; Wise, Steve [IWD]  
**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** RE: Welch Quits

The debate seems to have died down, so I will take another crack although I plan no further ill-fated attempts at humor.

To me there are a couple of takeaways so please allow me to see if there is any agreement on these takeaways:

1. **Historically, this does not come up very much (although if FF starts denying more quits, it logically will come up).** And most cases neither party even really knows the significance or disputes it. (That is the part we all agree upon, I keep pushing to say we need a unified standard because I do not think it is good enough to say it doesn't come up, so let's decide it on a case by case basis).
2. **It is hard to have a unified standard if there is no rule. Hard but not impossible.** Alas this was the problem when Welch came down in 1988. If we make up a new standard and ask everyone to follow it, we will pretty much be doing the same thing now – making up a policy for claims to follow – that we did then; it will just be a standard that ALJs agree with (because we had input). We have to have some type of specific criteria *especially for FF* or the variation will be too disparate. The ALJs have to follow the law not policies. (Everyone should know, however, that rules are hard and they are highly politicized; there are good reasons to avoid doing rules).

Here is the question. If we lock a group of people in a room (perhaps the makeup of the group chosen by the Director), can we come up with a consensus written Claims Training Policy that we can all *generally* agree to follow? Or am I still going to have the Lone Ranger using her/his own method?

The Director has clearly stated that no Judge will ever be told how to decide a specific case. But I think if we can agree to agree to a standard which provides some level of deference to what I am calling a "Claims Training Policy" which applies *Welch* when we will then apply expertise and judicial experience, then I think we will have made a huge step.

---

**From:** Wise, Debra [IWD]  
**Sent:** Wednesday, June 12, 2013 10:07 PM  
**To:** Walsh, Joseph [IWD]; Lewis, Devon [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]; Wise, Steve [IWD]  
**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]  
**Subject:** RE: Welch Quits

What constitutes part-time work or employment?

**General information:**

First, I know of no legal guidelines that determines whether an employee is a part time or full time employee. According to the Bureau of Labor Statistics, working part-time is defined as working between 1 and 35 hours per week. (Question – does this mean if an employee works 36 hours a week, they work full time?) The Department of Labor uses a definition of 34 or fewer hours a week as part-time work, but this definition is only used to gather statistical information. The Fair Labor Standards Act (FLSA) does not define full-time employment or part-time employment.

A part time employee traditionally worked less than a 40 hour work week. Today some employers consider employees as full time if they work 30, 32, or 36 hours a week. The definition of part time employee varies from organization to organization. Whether a job is part time or full time can be and is often defined by the employer's policy and can be stated in an employee handbook.

Some employers distinguish between full time and part time employees when they are eligible for benefits such as health insurance, paid time off (PTO), paid vacation days, and sick leave. Some organizations enable part time employees to collect a pro-rated set of benefits. In other organizations, part time status makes an employee ineligible for any benefits. With the new federal health law an employer may be responsible for providing health insurance to employees who work 30 hours a week or more (if all other requirements are met).

I agree with Lynette, that typically whether a person works part time or full time is not usually an issue (at least in the cases I receive.). For ALJs and claims to have a standard guideline – a written rule needs to be developed because part time work or employment has different meanings for different employers or businesses. While working a certain number of hours a week is a great guideline and eliminates discretion, if this is the criteria from distinguishing part time from full time we need to be upfront about this and state this in a rule.

What have I done in the past or should have done when this is an issue:

If the claimant or employer states the claimant works part time find out how many hours a week the claimant generally works and is this customary in that business.

Ask if the employer's policy defines part time work or employment and full time employment. An employer may consider full time employment as something less than 40 hours a week and in some instances more than 40 hours a week.

Ask if there is a minimum number of hours employees must work before they are eligible to receive benefits. Is an employee eligible for more benefits if they work more hours?

There are probably other questions that can be asked when deciding if an employee for a particular employer works part time or full time, but these are the ones that can be used as a starting point.

I do not believe the statutes or regulations provide any one-week trial period.

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**From:** Walsh, Joseph [IWD]

**Sent:** Wednesday, June 12, 2013 2:20 PM

**To:** Lewis, Devon [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]; Wise, Debra [IWD]; Wise, Steve [IWD]

**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]

**Subject:** RE: Welch Quits

Devon has provided a rebuttal to many of the statements I made about the history and policy considerations. I have no problem with this even though I specifically asked to focus the debate on the future. The main thing is, I don't want to get bogged down in criticizing past Directors and their directions to UI Legal Counsel. I think it makes this whole debate more personal than it needs to be and I find it kind of unnecessary. I think we can all agree at least that prior administrations were faced with the difficult task of implementing *Welch* with very little guidance and whether we agree with how it was done or not, that is the backdrop of the debate.

Also as a point of personal preference I would also ask that we avoid colored responses to one another's arguments. I just hate trying to follow those types of discussions.

The debate at this point should be simple. All I want to know right now from each of the Judges is: How do you determine to determine what is part-time work under *Welch*? It is fine to say it is a case-by-case basis, but there still has to be a standard that guides our interpretations.

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**From:** Lewis, Devon [IWD]

**Sent:** Wednesday, June 12, 2013 11:56 AM

**To:** Walsh, Joseph [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]; Wise, Debra [IWD]; Wise, Steve [IWD]

**Cc:** Olivencia, Nicholas [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]

**Subject:** RE: Welch Quits

Seeing only one response so far...(Excerpts from JW's e-mail in black. DML comments in red.)

Part-time *employment* remains entirely undefined although it is referenced in 871 IAC section 24.27:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

"if Mr. Welch had consistently worked 32 hours a week for the City of Minburn and was still eligible for partial unemployment, would the outcome have been different?" How about 36?

I'm not sure I understand this hypothetical – if he were working that many hours he would not be A&A either by hours or wage reduction from benefits.

The sole issue we are discussing is:

Should Claims allow benefits per Iowa Admin. Code r. 871-24.27 for those Cs who quit a FT job held less than four weeks?

I believe the Director has indicated the answer on its face is "no" and that to determine what the dividing line is between full- and part-time employment requires specific factual inquiry. (See attached list of questions for FF guidance I sent Saturday with additions and edits on Monday.)

extremely difficult decisions had to be made to implement the *Welch* decision back in the late 80's through the 90's with very little guidance.

The *Taylor* Court gave specific guidance and directive in 1985 that there is no trial period of unemployment allowance for someone who works FT for six days unless the Legislature specifies otherwise. It has not.

A previous Director ultimately made a policy decision to implement *Welch* in a very broad reaching way in order to solve multiple problems.

I do not recall any such information or request for ALJ input from any previous Director. Does anyone else in Appeals?

The agency essentially used *Welch* to create an ad hoc "trial work period" and applied it to allow individuals who may have taken what would commonly be considered full-time

positions provided it was for a short duration.

This flies directly in the face of *Taylor*. See, above.

It should be noted, the *Welch* decision itself cited the purpose of Chapter 96 to be "construed liberally to achieve the objective of minimizing the burden of involuntary unemployment." And it pointed out that the court must look at the evils intended to be remedied and the objects to be accomplished when interpreting the statute. This is further bolstered within the language of *Welch* where the Court specifically stated that the *suitability* of the employment should have been addressed, but the agency failed to raise it prior to the appeal. *Id.* at 152.

One can discuss policy ad nauseum but when the plain language of rule 871-24.27 requires "part-time" employment, that leaves only a fact question of whether the employment quit was FT or PT.

Iowa Admin. Code r. 871-24.25(12) provides for disqualification if an individual quits "without notice during a mutually agreed upon trial period of employment." See also, *Taylor*, where the Court said "he," without reference to the employer, "decided to accept the work on a trial basis." If the rule does not allow benefits after a quit from a *mutually agreed upon* trial period, why would it be allowed from a one-sided trial period?

My point with all of this is that it was not, in my opinion, an unreasonable interpretation for the agency to develop the policy which it did under Director Eisenhower. It may have been a stretch, but the fact that it was never challenged legally

The Fund is the loser and is represented by the Agency attorney, who implemented this policy. That is why it was never challenged. Few parties appeal UI cases beyond the EAB because of cost/benefit issues.

demonstrates that the policy was a reasonable application of *Welch*. I think the reason that it worked is that full-time and part-time are not defined in the statute so it is up in the air for the agency to determine. If the agency chose to consider anything under 40 hours for less than 30 days as part-time, I think the agency can do this.

The agency cannot do that without a rule. Until then or without a rule, there is enough info in *Taylor*, coupled with factual development of FT or PT in each case, to address the issue.

In my estimation, it probably should have been done through a rule or formal written policy, rather than an informal unwritten policy, if for no other reason than to ensure that the Appeals Bureau was aware of the policy.

Absolutely correct.

For all of these reasons, I advised against lifting this rock. But alas, the rock has been lifted and the snakes are loose.

The only status quo argument made at the A-C meeting was that there were not enough of these cases each year to question Claims' policy as established by the agency attorney's e-mail (attached as a Word doc).

*Welch* came after *Taylor* so *Taylor* cannot very well overrule it. Had *Welch* been decided upon the basis of *Taylor*, Mr. Welch would have been denied benefits. He was not. *Taylor*, of course, was merely a remand case and was comprised almost exclusively of dicta.

*Taylor* is not dicta and *Welch* did not overrule *Taylor*. They have entirely different fact-patterns. Justice Wolle, later Senior Judge for the US District Court, Southern District of Iowa, wrote in *Taylor*, "The larger issue here [beyond the separation qualification] is whether chapter 96 should be construed to give special protection to persons like Taylor who were drawing unemployment benefits prior to accepting inappropriate employment." That issue was specifically addressed at pp. 537 and 538 of the decision.

*We decline to carve the proposed judicial exception out of the existing statutory unemployment compensation scheme. Iowa Code chapter 96 does not authorize payment of benefits to individuals who have quit without good cause attributable to the employer, even where the claimant has given up unemployment benefits for unsuitable employment before quitting that employment. Under our statute it simply makes no difference that the person who has quit a job was drawing unemployment benefits when the person applied for and accepted a job of questionable suitability. If public policy demands special consideration for persons already drawing unemployment benefits who try out potentially unsuitable jobs and fail, the legislature may amend the statute in that regard.* (Emphasis supplied.)

The Court in both *Welch* and *Taylor* invited the Legislature to make an exception or define. It did not in either case. The remand was solely to consider all other reasons (illness, safety, reduction in hours) given for leaving the employment.

Steve and Devon have already written excellent short briefs which provide a narrower, more conventional explanation of *Welch*. To be clear, I do not at all disagree with their legal analysis. It is another way of looking at *Welch*. Even the narrower conventional *Welch* interpretation, however, creates questions which must be answered. The first is, what is part-time employment in the context of *Welch*?

*Taylor* is the controlling authority here, not *Welch*. *Taylor* was not even mentioned in *Welch*, presumably because of the complete absence of PT work in *Taylor*. *Welch* does not apply to this specific discussion until after the *Taylor* threshold is overcome that the C has PT rather than FT employment. (See, statement of issue above.)

McCarthy (1956)  
First claim/benefit year  
PT job held concurrently with FT job, quit PT then laid off from FT before 10x

Taylor (1985)  
Four months into first claim year  
Worked full-time for six days.

Welch (1988)  
Second benefit year  
"Supplemental" job to UI benefits and to meet \$250 for second benefit year.  
Claim was on basis of part-time work with overlapping full-time wage history

McCarthy and Welch are comparable because they both involve PT quit with a FT wage history. The difference is the second benefit year issue. *Taylor* involves a quit of *short-term, FT work* regardless of an earlier FT wage history.

Iowa Code section 96.3(6)(a) defines part-time *worker* as follows:

"part-time worker" means an individual whose normal work is in an occupation in which the individual's services are not required for the customary scheduled full-time hours prevailing in the establishment in which the individual is employed, or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which the individual is employed. (Highlighting supplied.)

This, again, creates a question of fact since there is not a bright line definition. *McCarthy, Taylor and Welch* do not define FT or PT employment and leave it to the Legislature. The Legislature has opted not to do so, which leaves it to be determined by an evidentiary-based finding of fact. The Director has instructed Claims to do by dispensing with the 319 ANDS "easy button."

The statute defines part-time worker apparently for the purpose of establishing a partial unemployment claim. Part-time *employment*, however, is actually not defined. This is significant but frankly, it is probably not very helpful to our endeavor.

Do we distinguish between a part-time worker and part-time employment unless there is a dispute between the parties? I agree that this is not helpful.

The statute, however, goes on to explain part-time workers in further detail in Iowa Code section 96.3(6)(b):

The director shall prescribe fair and reasonable general rules applicable to part-time workers, for determining their full-time weekly wage, and the total wages in employment by employers required to qualify such workers for benefits. An individual is a part-time worker if a majority of the weeks of work in such individual's base period includes part-time work. Part-time workers are not required to be available for, seek, or accept full-time employment.

The Legislature begs the question here.

ALJs are all over the map on interpreting part-time employment. Some ALJs seem to use a hard and fast 32 or 36 hour rule. Others seem to leave it up to the employer to decide what is part-time for them.

Not all ALJs have not responded to the discussion but I believe most seek facts specific to that case from both parties. I am not aware of any ALJ who allows benefits based upon r. 871-24.27 for a C who quits a FT job of short duration. (I'm not clear on Marlon's stated position.)

*Dévon*

**Message: RE: APLA****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:02 PM  
 Item ID: 40861062  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: APLA**

**From** Lewis, Devon [IWD] **Date** Thursday, June 27, 2013 3:40 PM  
**To** Hillary, Teresa [IWD]  
**Cc**

A couple of thoughts...  
 Do you have a list of the current 15 items?

One thing I would suggest is changing the start of the sentence from "Whether the claimant is overpaid benefits." (or whatever the issue is) to "Is the claimant overpaid benefits?" Was the claimant discharged for job related misconduct? Did the claimant quit without good cause attributable to the employer? Is the claimant able to and available for work? Is the claimant partially unemployed? Etc. I think it's a more clear, simple, clean, shorter way of expressing issues.

It might be easiest for the person doing the worksheet entry to have issues grouped by relevance or frequency of use or some combination.

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 3:26 PM  
**To:** Lewis, Devon [IWD]  
**Subject:** FW: APLA

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 3:23 PM  
**To:** Wise, Debra [IWD]  
**Subject:** RE: APLA

Thanks. I do appreciate it. I think the Director is really trying to show the ALJ'S that we can get a 'win' that some things can change. The alj's telephone numbers went to her today at her request. Myra will have her list to you today. ADD/CHANGE ANYTHING YOU WANT. I really mean that. I'm digging through my list for odd ball stuff that we would need rarely but need.

Thanks again,

Teresa Hillary

**From:** Wise, Debra [IWD]  
**Sent:** Thursday, June 27, 2013 3:20 PM  
**To:** Hillary, Teresa [IWD]  
**Subject:** RE: APLA

That's fine - I did not know how many eyes you wanted. Honestly, Myra's list will probably be the most thorough since she does it day in and day out. As soon as I get the list - I will work on it and make it a priority.

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 3:14 PM  
**To:** Wise, Debra [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]  
**Subject:** RE: APLA

My impression was that as soon as we get this to IT, via Gary B, the Director ha said to him, do it, so it will be done. I don't want to churn and churn and churn this through so many alj's that we never get to the language we need. Let's not let us, the alj's, be the sloooooow downnnn in getting it to IT. We will still always have the FF option, so let's get what options we have been typing in going and see where we go from there. Myra is typing up the list so far and will send it to you. Deb, I am happy to let you make ANY changes you want to the language. I am telling you right now, I will agree to any language you want Deb. It's notice pleading, we can do that. I've given Myra the new language from LD re: the OP issue. We have so many options now, that we can 07, and two or more others for the OP recovery/waiver/participation issue. Myra will send out her list hopefully by end of day. Myra is off tomorrow, but will be in next week. The sooner we get the list to IT the better.

Deb, feel free to send this to any ALJ you want to critique/add/subtract from the language. The only slowdown is going to be us, the ALJ'S.

Let me know.

Thanks much

Teresa Hillary

**From:** Wise, Debra [IWD]

**Sent:** Thursday, June 27, 2013 3:02 PM  
**To:** Hillary, Teresa [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]  
**Subject:** RE: APLA

I think this is a good step. My question – how long will it take IT to add the additional information after they receive it.

I would get from Myra and Joni what they want added – go over it and see if any changes are needed. Since you've kept a list and have been working on this already – you can circulate to us or just a few ALJs initially and then all aljs to see if they have any other issues they think should be added.

Can we split up vacation and severance pay into separate issues since they have different law sections and the wrong law section is sometimes on the hearing notice. I am willing to do whatever needs to be done to get this rolling and to IT – the sooner the better.

This news definitely means we keep 07 and can add stock language for new issues we need to address, such as DUA.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 2:15 PM  
**To:** Baughman, Myra [IWD]; Wise, Debra [IWD]; Benson, Joni [IWD]  
**Subject:** APLA

Some good news. At the A-C meeting today the director was there and had Gary Batteman sit with her for a few minutes. She has made it possible for us to get up to 99 stock language blocks to use when entering appeals. So, instead of our limited 15 we can now have up to 99. All we need to do is write out the language we want and get it to Gary B. She also told Devon and I that we should be reporting back to our fellow alj's at staff meetings what we are learning at these committee meetings we attend. I'm taking her advice and sharing today's new found knowledge. Joni wants to include some stock language in one of the numbers that she needs on hearing notices for pre-hearing conferences.

I think this means we can keep 07 and perhaps add more that would cover the new OP issues we've been dealing with at the alj staff meeting. Myra is going to type up the ones she really wants added. I think we should take advantage of this window and get as many as we can. What do you all think? What do you want to do? Let's move on this so we can get it implemented soon to make it easier for everyone to add appeals.

How should we do this?

Thanks much  
Teresa Hillary

**Message: RE: APLA****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:02 PM  
 Item ID: 40861065  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: APLA**

**From** Lewis, Devon [IWD] **Date** Thursday, June 27, 2013 4:03 PM  
**To** Wise, Debra [IWD]; Hillary, Teresa [IWD]; Baughman, Myra [IWD]  
**Cc**

[\[HTML\]](#) =====ALJ Desk Manual TABLE OF CONTENTS=====.doc (39 Kb HTML)

I agree that the most frequent user should have the most input about organization. I've attached a rough draft copy of the ALJ Desk Manual table of contents to show an example of organization by UI topic. This code list would obviously be different so this is just for an idea...

**From:** Wise, Debra [IWD]  
**Sent:** Thursday, June 27, 2013 3:55 PM  
**To:** Hillary, Teresa [IWD]; Baughman, Myra [IWD]  
**Cc:** Lewis, Devon [IWD]  
**Subject:** RE: APLA

I have a list of the codes. I agree about the word Whether – it is long and unnecessary. I don't know that changing number of the statements or grouping them any differently would add anything right now. Once you do intake a number of time – you know them by heart– For the most part the most frequent statements already at the top of the list. Added new issue statement, I agree should be grouped together I would defer to Myra, if she disagrees with me.

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 3:46 PM  
**To:** Wise, Debra [IWD]; Baughman, Myra [IWD]  
**Cc:** Lewis, Devon [IWD]  
**Subject:** FW: APLA

Devon's thoughts for consideration found below.

**From:** Lewis, Devon [IWD]  
**Sent:** Thursday, June 27, 2013 3:40 PM  
**To:** Hillary, Teresa [IWD]  
**Subject:** RE: APLA

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 Do you have a list of the current 15 items?

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Thanks again,

Teresa Hillary

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**Sent:** Thursday, June 27, 2013 3:20 PM

**To:** Hillary, Teresa [IWD]  
**Subject:** RE: APLA

That's fine – I did not know how many eyes you wanted. Honestly, Myra's list will probably be the most thorough since she does it day in and day out. As soon as I get the list – I will work on it and make it a priority.

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**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 3:14 PM  
**To:** Wise, Debra [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]  
**Subject:** RE: APLA

My impression was that as soon as we get this to IT, via Gary B, the Director ha said to him, do it, so it will be done. I don't want to churn and churn and churn this through so many alj's that we never get to the language we need. Let's not let us, the alj's, be the slooooooow downnnn in getting it to IT. We will still always have the FF option, so let's get what options we have been typing in going and see where we go from there. Myra is typing up the list so far and will send it to you. Deb, I am happy to let you make ANY changes you want to the language. I am telling you right now, I will agree to any language you want Deb. It's notice pleading, we can do that. I've given Myra the new language from LD re: the OP issue. We have so many options now, that we can 07, and two or more others for the OP recovery/waiver/participation issue. Myra will send out her list hopefully by end of day. Myra is off tomorrow, but will be in next week. The sooner we get the list to IT the better.

Deb, feel free to send this to any ALJ you want to critique/add/subtract from the language. The only slowdown is going to be us, the ALJ'S.

Let me know.

Thanks much

Teresa Hillary

---

**From:** Wise, Debra [IWD]  
**Sent:** Thursday, June 27, 2013 3:02 PM  
**To:** Hillary, Teresa [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]  
**Subject:** RE: APLA

I think this is a good step. My question – how long will it take IT to add the additional information after they receive it.

I would get from Myra and Joni what they want added – go over it and see if any changes are needed. Since you've kept a list and have been working on this already – you can circulate to us or just a few ALJs initially and then all aljs to see if they have any other issues they think should be added.

Can we split up vacation and severance pay into separate issues since they have different law sections and the wrong law section is sometimes on the hearing notice. I am willing to do whatever needs to be done to get this rolling and to IT – the sooner the better.

This news definitely means we keep 07 and can add stock language for new issues we need to address, such as DUA.

---

**From:** Hillary, Teresa [IWD]  
**Sent:** Thursday, June 27, 2013 2:15 PM  
**To:** Baughman, Myra [IWD]; Wise, Debra [IWD]; Benson, Joni [IWD]  
**Subject:** APLA

Some good news. At the A-C meeting today the director was there and had Gary Batteman sit with her for a few minutes. She has made it possible for us to get up to 99 stock language blocks to use when entering appeals. So, instead of our limited 15 we can now have up to 99. All we need to do is write out the language we want and get it to Gary B. She also told Devon and I that we should be reporting back to our fellow alj's at staff meetings what we are learning at these committee meetings we attend. I'm taking he advice and sharing today's new found knowledge. Joni wants to include some stock language in one of the numbers that she needs on hearing notices for pre-hearing conferences.

I think this means we can keep 07 and perhaps add more that would cover the new OP issues we've been dealing with at the alj staff meeting. Myra is going to type up the ones she really wants added. I think we should take advantage of this window and get as many as we can. What do you all think? What do you want to do? Let's move on this so we can get it implemented soon to make it easier for everyone to add appeals.

How should we do this?

Thanks much  
Teresa Hillary

**ALJ DESK MANUAL – TABLE OF CONTENTS**

Able to & Available for Work (Eligibility)

- Failure to Report
- LOA
- Medical
- On-Call Employment
- Partial Unemployment
- Reasonable Assurance
- Reemployment Services
- Work Search

Additional Programs

- DAT
- DUA
- EUCU
- TEB
- TEUC
- TRA

ALR Annotations

Business Closure

Charges

- Government contributory
- Relief – DAT, EUC, Disaster
- Requalification
- Rule of two affirmances
- Supplemental employment
- Sole purpose

Citations

Claim

- Backdate
- Cancellation
- CWC
- Monetary Eligibility
- Reemployment Services
- Retroactive

Decisions

- Decisions – OTR/Default
- Decisions – Writing

Disability/Reasonable Accommodation

Discharge/Misconduct (Disqualification)

General/Definition

Absenteeism

Current Act

Deferred Judgment/Alford Plea

Dependent Abuse – Adult

Dependent Abuse – Child

Drug Test – Federal

Drug Test – State

Drug Treatment

Fighting/Threats

Gross Misconduct

Harassment

Insubordination

Language/Verbal Abuse

License Revocation

Medical

Off-Duty Conduct

Requalification

Safety Rule

Sleeping on the Job

Suspension

Theft/Misappropriation

Union Activity

Work Performance/Trial Period

Employment

Evidence

General

Burden of Proof

Credibility

Hearsay

Polygraph

Privilege

Self-Incrimination

Federal

UCFE

UCX

Filing

Protests

Timeliness

Judicial Ethics

General

Ex Parte Communication

Recusal

Labor

Labor Disputes

Union/Collective Bargaining

Layoff

Miscellaneous

Monetary Eligibility

Dependents, High Qtr., 2d Benefit Yr

Orders

Payment Benefit Deductions

Overpay – Double Affirmance

Overpay – Equitable Estoppel

Retirement

Severance

Vacation

Procedure

Discovery

Due Process

Estoppel

Hearings

General

Opening Statement

Representation

Witnesses, Interpreters

Postponement

Remands

Res Judicata

Statutory Construction

Withdrawal

Requalification/Back Pay

Tax – E Contributions, Charges,

& Reimbursements

- Income Tax Offset
- Independent Kor/Employee
- Successorship
- Voluntary Quit (Disqualification)
  - General/Other
  - Abandonment
  - Change K of Hire
  - Disparate Treatment
  - Emergency
  - Forced Resignation
  - In Lieu of Discharge
  - Intolerable/Detrimental
  - Harassment
  - Medical
- Work related
- Non-work related
- Pregnancy
- FMLA
  - Other Employment
  - Part-Time/Supplemental
  - Resignation & Acceptance
  - Spouse
  - Temporary Employment
  - Working Conditions
- Wages
- Workers' Compensation
- Work Refusal (Disqualification)

---

**Message: RE: separation OP issue language****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:02 PM  
 Item ID: 40861067  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: separation OP issue language**

**From** Lewis, Devon [IWD]

**Date** Friday,  
 June 28, 2013 2:11  
 PM

**To** Donner, Lynette [IWD]; Walsh, Joseph [IWD]

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

 **image001.png** (61 Kb HTML)

FYI - Director Wahlert notified us at the A-C meeting yesterday after consulting with IT that we are able to have up to 99 codes, including the list of 15, for issue language. Yay! Myra, Deb and Tere are working on adding more to the current list. This gives you more freedom on the OP language, Lynette.  
*Devon*

**From:** Donner, Lynette [IWD]

**Sent:** Friday, June 28, 2013 2:04 PM

**To:** Walsh, Joseph [IWD]

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

**Subject:** separation OP issue language

After some tweaking based on comments from Wednesday's meetings, I have condensed down the revised hearing issue notice language to:

Was claimant overpaid benefits? Did employer participate in fact-finding? Is employer's account chargeable, and must any overpayment be repaid?

This should all fit on the f/f lines of APLA if need be, although it certainly would be better if we could add an additional issue code to the "list of 15" or substitute this for one of the lesser used current 15.

x

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

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**Message: Appeals-Claims (A-C) meeting notes from June 27**

**Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:02 PM  
 Item ID: 40861068  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**✉ Appeals-Claims (A-C) meeting notes from June 27**

**From** Lewis, Devon [IWD]

**Date** Friday,  
June 28, 2013 2:57  
PM

**To** Donner, Lynette [IWD]; Walsh, Joseph [IWD]

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

PT quit 871 IAC 24.27

The Director decided that there will not be a specific number or range of numbers for FFs to use to determine PT or FT status. In the event of a party dispute about PT-FT status, the FFs will refer to the list of questions/factors to help them develop the record and make a decision. I will work with Dave Eklund to develop and provide training for FFs on this issue.

ALJ Training on July 18

Support staff and Mary P will be joining us. We are to bring our laptops with us so we can plug in and follow along. Keep track of questions you want to ask or send them to Tere. The training will be interactive and we will get some handouts. Ryan West will be training us and will also give us a contact list with people to contact for various issues.

IT – electronic transition issues

Steve has been working with this area but it was mentioned in relation to a business analyst/project manager person being added to the group to act as an interpreter or bridge between IT and Appeals/Claims/etc to make sure needs are being properly communicated to IT and our needs are met

Next meeting in two weeks

Claims is going to start a project to reduce the number of ANDS decisions (over 300 currently) and clarify, etc the language of the ones that will be kept. ALJs will be involved with this at some point in the next month or so.

Since PT-Q is resolved, the next issue will be PTO/vacation/severance.

*Devon*

**Message: RE: Word Processors****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:03 PM  
 Item ID: 40861069  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: Word Processors**

**From** Lewis, Devon [IWD]

**Date** Monday,  
 July 01, 2013 8:08  
 AM

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

**Cc** Shroyer, Paula [IWD]; Scott, Cheryll [IWD]

There is a lot of "new" information Beth and Tere have provided. The WPs used to have a dictation guide in the 'olden' days (my son, David, used to say 'old wooden days') of dictating rather than typing decisions. I wonder if a basic WP tip sheet could be developed for ALJs since their preferences have not been passed along consistently over the years. Certainly individual information/change requests should be provided to ALJs with specific repetitive issues. I don't believe any ALJ is not complying for any reason other than not being aware of the WPs' preferences.

*Devon*

**From:** Mormann, Marlon [IWD]

**Sent:** Monday, July 01, 2013 8:00 AM

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

**Cc:** Shroyer, Paula [IWD]; Scott, Cheryll [IWD]

**Subject:** RE: Word Processors

When did this start? I have never heard of this? How does this affect statistics? "If the decision is old the due date should be the day after the date it is sent in on the due date line of your task"

By way of background, due date has always been the date on the itinerary less any weekend days since 1991. I fear we are all doing something different.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

**From:** Scheetz, Beth [IWD]

**Sent:** Monday, July 01, 2013 7:45 AM

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

**Cc:** Shroyer, Paula [IWD]; Scott, Cheryll [IWD]

**Subject:** Word Processors

I spoke to the word processors and learned quite a bit.

They thought we were doing a great job and were hesitant to say anything. Here's a bit of what they thought might be helpful.

Look at the second page of your one party shells.

Remove the word "Employer" if it appears under

IOWA WORKFORCE

DEVELOPMENT DEPARTMENT

(three spaces before the word development)

With regard to your cites, make sure they are in the proper format (underlined or italicized).

If you cut and paste them in, please format them before sending.

Please place two spaces after periods, a comma after a year, and a comma after a reference number. There's a required space between the month and day and required space after reference and before the number.

You may be able to see this better if you have your view set up so it shows paragraph marks. That's the symbol with the paragraph sign, Show All. (May 6, 2013, reference 06, decision...)

Please place a Text Field ( ) under the last code section before the statement of case, one before each reference code (only one if two reference numbers are listed), and one after your initials at the end of your decision.

Some of the shells have lost the words "**APPEAL NO.**" that appear before 13A--- in the header. They have miraculously disappeared!!!

Sending Decisions:

Please don't send with **None** in start/due date.

The **start date** is always the date the **hearing was held**.

The due date is always the date the decision is due – the DOL date.

If the decision is old the due date should be the day after the date it is sent in on the due date line of your task.

Subject Line:

Date should match due date unless old.

(6/28 04561.S2 (45) w/d)

If old, say Old and case number.

Teresa mentioned this yesterday – Place N/A in the subject line if there was no hearing held.

If the decision is Old, place Old in the subject line.

The word processors have questions when they see ASAP in the subject line when a due date for DOL is not also provided with the ASAP request.

Typing Tips:

\$23.00            Remember .00

\$5,000.00        Remember the comma

Lock-out/tag-out

**Message: RE: Word Processors****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:03 PM  
 Item ID: 40861072  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: Word Processors**

**From** Lewis, Devon [IWD] **Date** Monday, July 01, 2013 8:56 AM  
**To** Hillary, Teresa [IWD]  
**Cc**

Any reason why this matters to WP? How does that degree of detail help them if they process by due date and fifo? I'll do it but it might make it easier to remember if there is some rationale behind it.

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, July 01, 2013 8:52 AM  
**To:** Scheetz, Beth [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Lewis, Devon [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Walsh, Joseph [IWD]  
**Cc:** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]  
**Subject:** RE: Word Processors

Remember the N/A only applies to cases where you've done the decn without a hearing being scheduled. If it's a decn on the record, it is like always. So if you're doing one-party cases to meet the 30 day deadline, then use N/A, if it's a decn on the record, it's as usual. Make sense?

Teresa Hillary

**From:** Scheetz, Beth [IWD]  
**Sent:** Monday, July 01, 2013 7:45 AM  
**To:** Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Walsh, Joseph [IWD]  
**Cc:** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]  
**Subject:** Word Processors

I spoke to the word processors and learned quite a bit. They thought we were doing a great job and were hesitant to say anything. Here's a bit of what they thought might be helpful.

Look at the second page of your one party shells. Remove the word "Employer" if it appears under  
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With regard to your cites, make sure they are in the proper format (underlined or italicized). If you cut and paste them in, please format them before sending.

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Subject Line:  
 Date should match due date unless old.

(6/28 04561.S2 (45) w/d)

If old, say Old and case number.

Teresa mentioned this yesterday – Place N/A in the subject line if there was no hearing held.

If the decision is Old, place Old in the subject line.

The word processors have questions when they see ASAP in the subject line when a due date for DOL is not also provided with the ASAP request.

Typing Tips:

\$23.00 Remember .00

\$5,000.00 Remember the comma

Lock-out/tag-out

**Message: RE: Word Processors****Case Information:**

Message Type: Exchange  
 Message Direction: Internal  
 Case: IWD Senator Petersen Request - Version 3  
 Capture Date: 7/10/2014 1:32:03 PM  
 Item ID: 40861075  
 Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

**RE: Word Processors**

**From** Lewis, Devon [IWD] **Date** Monday, July 01, 2013 9:07 AM

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

**Cc** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]

We can calculate the 30 day deadline by the appeal date listed on the worksheet or appeal letter. Are we to include the 30 day date as we do on other decision tasks? Eg. N/A 7/3 00000.L

**From:** Hillary, Teresa [IWD]  
**Sent:** Monday, July 01, 2013 9:04 AM  
**To:** Mormann, Marlon [IWD]; Scheetz, Beth [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Lewis, Devon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Walsh, Joseph [IWD]  
**Cc:** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]  
**Subject:** RE: Word Processors

It is something the word processors specifically asked me to do when doing one party cases where no hearing was SCHEDULED or held. This makes it possible for them to enter that task into their log without opening the accompanying decn. I understand you may not understand why they are making these requests, but it is to help them do their jobs more efficiently. The information on the log goes into the Kevin report. The WP are not asking for anything just to "make work" for any alj.

So if you are one of the alj's who are taking one-party cases and trying to push them out the door prior to them being scheduled that is what is needed on the task line.

Mine look like this:  
 N/A 00000.H2 ASAP TO MAKE 30 DAYS.

Make sense now?

Teresa Hillary

**From:** Mormann, Marlon [IWD]  
**Sent:** Monday, July 01, 2013 9:01 AM  
**To:** Hillary, Teresa [IWD]; Scheetz, Beth [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Lewis, Devon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Walsh, Joseph [IWD]  
**Cc:** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]  
**Subject:** RE: Word Processors

N/A makes no sense to me. Where do you put N/A. All cases have a due date some 30 days after filing. We need one rule to help the word processors.

**Marlon Mormann, Administrative Law Judge**  
**515-265-3512**

**From:** Hillary, Teresa [IWD]  
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**Subject:** RE: Word Processors

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**Sent:** Monday, July 01, 2013 7:45 AM  
**To:** Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Walsh, Joseph [IWD]  
**Cc:** Shroyer, Paula [IWD]; Scott, Cheryl [IWD]

**Subject:** Word Processors

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(three spaces before the word development)

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Subject Line:

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(6/28 04561.S2 (45) w/d)

If old, say Old and case number.

Teresa mentioned this yesterday – Place N/A in the subject line if there was no hearing held.

If the decision is Old, place Old in the subject line.

The word processors have questions when they see ASAP in the subject line when a due date for DOL is not also provided with the ASAP request.

Typing Tips:

\$23.00 Remember .00

\$5,000.00 Remember the comma

Lock-out/tag-out

**Message: RE: Investigator 2**

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**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:55 PM  
Item ID: 40862367  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **RE: Investigator 2**

**From** Koonce, Kerry [IWD]                      **Date** Wednesday, March 19, 2014 5:37 PM  
**To** Wilkinson, Michael [IWD]  
**Cc**

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Proposed ad wording.....

**Investigator 2**

Iowa Workforce Development – Unemployment Insurance Division is seeking an Investigator 2 to conduct investigations pertaining to potential fraud or erroneous benefit payments. Analyze situations independently, accurately and immediately and adapt an effective course of action in line with agency guidelines and current law. Review and document facts and evidence obtained to make final determination. Issue non-monetary decision in connection with overpayments and fraud. Be responsible for correct appropriate decisions and timely handling of the same issues. Issue subpoena to cause individuals and evidence to appear. Conduct benefit payment crossmatch reviews for both intrastate and interstate claims. Responsible for timely handling of reviews, scheduling, determination of overpayment and/or fraud, proper recommendation for prosecution and follow-up and disputed allegations. Prepare fraud related cases for prosecution by county attorneys, including identifying and locating witnesses, assembling and reviewing all evidence pertinent to the prosecution. Prepare legal document for court and other actions. Review case with and make recommendations to county attorneys concerning plea bargaining, dismissals and sentencing. Establish and maintain effective community relations. National Career Readiness Certificate credential preferred. **Must be able to read, write, and speak Spanish fluently.**

To view the complete job description and apply, visit [www.das.iowa.gov](http://www.das.iowa.gov) and complete an application under “Apply for Job Vacancy”. Additionally, applicants must submit a cover letter and resume to David Eklund, Iowa Workforce Development, 150 Des Moines Street, Des Moines, IA 50309 by April 3, 2014.

Kerry Koonce, CPM  
Division Administrator, Communications & Labor Market Information  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, IA 50319  
T: 515-281-9646  
F: 515-281-4698  
C: 515-681-2230

---

**From:** Wilkinson, Michael [IWD]  
**Sent:** Wednesday, March 19, 2014 4:40 PM  
**To:** Koonce, Kerry [IWD]  
**Cc:** Eklund, David [IWD]  
**Subject:** Investigator 2

Kerry, you mentioned putting an advertisement in the Waterloo newspaper and the Chamber. Thank you VERY much. We can charge this to IRUC or send me the bill. Attached is the announcement that went to DAS today. Let me know if I can help. It closes April 3.

**Message: Career Fair**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:59 PM  
Item ID: 40862488  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **Career Fair**

**From** Koonce, Kerry [IWD]      **Date** Tuesday, March 25, 2014 2:41 PM  
**To** Jones, Marlys [IWD]  
**Cc**

---

Marlys,  
Neither Teresa or I can do the opening remarks for the career fair tomorrow. Teresa is in Clarke County, I'm at a STEM meeting, Ed is in China and Lori is in DC. We'll need you to do the opening remarks.

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**Message: FW: Career Fair**

---

**Case Information:**

Message Type: Exchange  
Message Direction: Internal  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:59 PM  
Item ID: 40862489  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **FW: Career Fair**

**From** Koonce, Kerry [IWD] **Date** Tuesday, March 25, 2014 2:44 PM  
**To** Dawson, Annette [IWD]  
**Cc**

---

Annette,  
Director Wahlert asked me to send the note below to Marlys. Since I got her out of office and it pertains to the career fair, I wanted to make sure someone saw it right away.

Kerry Koonce, CPM  
Division Administrator, Communications & Labor Market Information  
Iowa Workforce Development  
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Des Moines, IA 50319  
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C: 515-681-2230

---

**From:** Koonce, Kerry [IWD]  
**Sent:** Tuesday, March 25, 2014 2:41 PM  
**To:** Jones, Marlys [IWD]  
**Subject:** Career Fair  
**Importance:** High

Marlys,  
Neither Teresa or I can do the opening remarks for the career fair tomorrow. Teresa is in Clarke County, I'm at a STEM meeting, Ed is in China and Lori is in DC. We'll need you to do the opening remarks.

Kerry Koonce, CPM  
Division Administrator, Communications & Labor Market Information  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, IA 50319  
T: 515-281-9646  
F: 515-281-4698  
C: 515-681-2230

---

**Message: Iowa Workforce Development Request****Case Information:**

Message Type: Exchange  
Message Direction: External, Outbound  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:41 PM  
Item ID: 40861946  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **Iowa Workforce Development Request**

**From** Koonce, Kerry [IWD] **Date** Monday, April 07, 2014 4:28 PM  
**To** 'j.clark42.jc10@gmail.com'  
**Cc**

 **Unemployment Insurance Appeal Reversals.docx** (19 Kb HTML)  **UIAppeals\_30Day.docx**  
(31 Kb HTML)  **UIAppeals\_NationalRanking.docx** (26 Kb HTML)

Jim,

I wanted to get you a couple of the pieces you requested:

Tip Sheets

Original 2007 document:

<http://www.iowaworkforce.org/ui/appeals/selectissues.htm> if you click on the PDF version at the top, it will show the dated document which demonstrates that tip sheets are not a new concept.

New Ones:

Intoxication at Work

<http://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-tip-sheet-intoxication-work>

Refusal of Work

<http://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-tip-sheet-refusal-work-or-recall>

Absenteeism

<http://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-tip-sheet-absenteeism-and-misconduct>

Off Duty Conduct

<http://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-tip-sheet-duty-conduct>

I've also attached three metric documents:

-shows how the department performed over a series of months related to the US Department of Labor 30 day metric

-another shows how Iowa's 30 day metric ranks against other states

-the third shows how Iowa's appeal decisions have been moving in favor of the claimant for several year.

Kerry Koonce, CPM

Division Administrator, Communications & Labor Market Information

Iowa Workforce Development

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## Unemployment Insurance Appeal Reversals

---

## **Unemployment Insurance Appeals Decisions: 30 Day DOL Timeliness Measure**

Chief ALJ Walsh Leaves the Agency

Chief ALJ Walsh Leaves the Agency

---

## UI Appeals 30 Day National Ranking

Chief ALJ Walsh leaves the agency

**Message: thanks for your response!**

---

**Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: IWD Senator Petersen Request - Version 3  
Capture Date: 7/10/2014 1:32:52 PM  
Item ID: 40862268  
Policy Action: Not Specified

**Mark History:**

No reviewing has been done

**Policies:**

No Policies attached

 **thanks for your response!**

**From** Larry Holyoke      **Date** Friday, March 14, 2014 4:41 PM  
**To** Larry Holyoke  
**Cc**

---

 **Unemployment Insurance (UI) Integrity White Paper (EFX-WS-4101-02-11-2014).pdf**  
(610 Kb HTML)  **PDF - UI\_Integrity\_webinar\_slides\_12March2014.pdf** (2345 Kb HTML)

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Thanks very much for taking the time to respond to the post-webinar survey. The slide and whitepaper are attached. We hope you found the event useful and informative.

Keep an eye on our [Workforce Solutions blog](#) for developments in UI Integrity, future webinars and more.

Best regards,

Larry

Larry Holyoke  
Sr Communications Specialist  
Equifax Workforce Solutions

11432 Lackland Road  
St. Louis, Missouri 63146

P 314-214-7432  
larry.holyoke@equifax.com  
[www.equifaxworkforce.com](http://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](#)
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## **Image 1**

# Unemployment Insurance (UI) Integrity

## A Focus on Compliance

Greg Good

Director, Product Management

February 2014

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## **Image 2**

# Table of Contents

- 1 The State of the UI System
- 2 A New Federal Mandate
- 3 The New Employer Penalties
- 6 A New Perspective on UI Compliance

## 8 A Successful Strategy Moving Forward

### About Equifax Workforce Solutions

Equifax Workforce Solutions (formerly TALX), an Equifax business unit, is a leading

provider of human resource, data, analytics, and verification services.

Headquartered

in Atlanta, Equifax operates or has investments in 18 countries and is a member of

Standard & Poor's (S&P) 500

® Index. Its common stock is traded on the New York

Stock Exchange (NYSE) under the symbol EFX. For more information, please visit:

*[www.equifaxworkforce.com](http://www.equifaxworkforce.com)*

Equifax Inc. | Unemployment Insurance (UI) Integrity | ii

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## Image 3

Employers and state agencies together share in the responsibility, as well as the administration, of the UI program. While states are required to ensure that individuals

meet eligibility requirements and receive their unemployment benefits, employers

remain responsible for providing the states with the information needed to make

an accurate determination.

To facilitate this collaboration, states notify employers when a request for unemployment

benefits is made, and maintain established parameters for timeliness and accuracy

of employer response. However, despite the current system, improper UI benefit

payments continue to occur as a result of late, incomplete, or inaccurate

responses  
to state UI information requests. In addition, 16 states currently maintain  
insolvent  
unemployment trust funds

<sup>1</sup> due to lingering effects of the recent recession, including  
a significant amount of benefit overpayments.

## The State of the UI System

In 2009, with unemployment rates nearly double  
historical norms,  
UI benefit payments increased significantly and reached  
an annual high  
of nearly \$80 billion (Fig. 1). As the effects of this recent  
recession continue  
to impact unemployment reserves, a renewed focus has  
been placed on  
the integrity of the UI system as states look to replenish  
insolvent trust  
funds while minimizing benefit overpayments moving  
forward.

### Figure 1: UI Benefit Contributions / Payments

Source: U.S. DOL UI Data Summary, 12 months rolling period, (000s)

Peak recessionary period

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## Image 4

## Figure 2: Unemployment Benefit Overpayments

Source: U.S. DOL, 2012

Total annual unemployment

benefit payments

# 10.81%

\$4.4B in improper benefits

## A New Federal Mandate

To improve the integrity of the UI system, and reduce the prevalence of improper payments

(Fig. 2), a federal mandate was recently developed to address the timeliness and accuracy

of employer response to state requests. The Trade Adjustment Assistance

Extension Act

(TAAEA) of 2011 provides for a statutory subsection in the Federal

Unemployment Tax Act

(FUTA) which mandates that state UI agencies prohibit relieving employers of benefit

charges to their unemployment tax account when both of the following scenarios exist:

1) UI benefits were improperly paid because the employer, or their agent, was at fault

for failing to respond in a timely or adequate manner (Fig. 3) to the agency's request

for information (RFI) relating to the unemployment claim.

2) The employer or agent has established a pattern of failing to respond to such requests in a timely or adequate manner.

## Figure 3: FUTA Subsection Definitions

Because the federal UI mandate is open to state interpretation, additional guidance is as follows:

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 must be provided in response to every question in the RFI 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 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," on the other hand, 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 5

Furthermore, section 3303(f)(2) of FUTA permits states to impose even stricter standards in limiting relief from charges, such as, but not limited to, denying relief from charges to an employer after the first instance of an inadequate or delayed response to a claim.

## The New Employer Penalties

This new legislation requires all states to prohibit the relief of unemployment benefit charges resulting directly from an employer's (or their agent's) pattern of failure to adequately respond to state UI information requests. Under these new requirements,

employers are expected to improve the quality of information provided to state unemployment agencies at the front end of the UI claim process, rather than waiting until after the initial determination is rendered to perfect their response.

Even if an employer is able to reverse an unfavorable determination at an unemployment hearing, the consequence of not providing sufficient details up front is a loss of benefit charge relief from the date of initial charges through the date of successful appeal or hearing. Should this increase in benefit charges negatively impact employer UI tax rates moving forward, the monetary impact could be significant.

However, the new UI Integrity legislation does not specifically indicate that employers lose appeal rights due to insufficient response. Therefore, employers may still (in most states) appeal an unfavorable claim determination and potentially eliminate the remainder of the charges. However, as the TAAEA does allow states to increase the severity of the penalties for non-compliance to UI related information requests, several jurisdictions have taken it upon themselves to legislate the loss of appeal rights to employers who provide an insufficient claim response. As a result, employers in these states may lose the opportunity for claims relief for the full duration of the unemployment claim.

*Note: Employers in states that did not have the necessary legislation in place by October 21, 2013, risk losing the 5.4 percent maximum federal unemployment insurance (FUTA) credit*

*2 – which would increase the FUTA tax cost to employers by as much as \$378 per employee.*

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# Image 6

## Figure 5: UI Integrity Penalties by State

While all jurisdictions were required to enact legislation eliminating the relief of unemployment benefit charges, there has been a variety of state interpretations of the mandate, including additional penalties. The following matrix provides additional guidance on some of these details.

State "Pattern of Failure"  
Defined

Additional Employer  
Penalties Beyond  
Elimination  
of Charge Relief

Unemployment  
Benefit  
Overpayment  
Rate

AK

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

None 13.04%

AL 2 or more instances None 14.4%

AR Not defined None 12.12%

AZ

Greater of 5 instances  
or 5% of total claims  
within prior year

None 15.44%

CA

2 or more  
instances related  
to individual claim

False Statement -  
Up to 10x the weekly  
benefit amount \*  
5.23%

CO Not defined None 11.92%

CT Not defined None 4.21%

DC Not defined None 14.13%

DE Not defined None 7.37%

FL Not defined None 9.48%

GA Not defined None 8.31%

HI Not defined None 6.17%

ID 2 or more instances None 12.03%

IL Not defined None 11.16%

IN Not defined None 32.34%

IA Not defined None 13.52%

KS

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

None 7.47%

KY

Greater of 6 instances  
or 2% of total claims  
within a calendar year

None 7.66%

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## Image 7

State "Pattern of Failure"  
Defined

Additional Employer  
Penalties Beyond  
Elimination  
of Charge Relief

Unemployment  
Benefit  
Overpayment  
Rate

LA Not defined False Statement -

\$50-\$1000\* 19.04%

MA Not defined \$25 per instance and

loss of appeal rights\* 5.25%

ME

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

None 15.49%