

Message: RE: State Comparison of fact-findings....**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: 40860987
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: State Comparison of fact-findings....

From Wise, Steve [IWD]

Date
 Thursday, June
 06, 2013 5:07
 PM

To Walsh, Joseph [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]; Wise, Debra [IWD]

Cc

If you read through the information on South Dakota, you'd get the idea that they conduct fact-finding interviews just like Iowa. That is not really the case because in SD, when claimants apply for benefits they are required to provide a short statement about the reasons for the separation, not just checking whether they were laid off, quit, or were discharged. If there is no dispute on the basic facts between what the claimant said when the claimant applied for unemployment and the protest, e.g. the claimant left work to go to school or was discharged for inability to perform the job, and lots of other cases, there is no phone interview, the decision is issued based on the written submission of the parties. Phone interviews are reserved for cases where the facts are disputed. The reason for the difference is the Snyder consent judgment that our Agency is subject to.

From: Wise, Steve [IWD]

Sent: Thursday, June 06, 2013 4:32 PM

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

Subject: RE: State Comparison of fact-findings....

[Here is the document in PDF format](#)

From: Walsh, Joseph [IWD]

Sent: Thursday, June 06, 2013 3:39 PM

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]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Subject: FW: State Comparison of fact-findings....

Our Claims Appeals Committee is working on reviewing the way fact-findings are conducted. This is some information compiled by Claims about how fact-findings are conducted in other states. Please review and provide any input you may have.

Joseph L. Walsh

Chief Administrative Law Judge
Unemployment Insurance Appeals
1000 East Grand Avenue
Des Moines, Iowa 50319
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joseph.walsh@iwd.iowa.gov

From: Goode, JoAnn [IWD]
Sent: Thursday, June 06, 2013 8:26 AM
To: Wilkinson, Michael [IWD]; Walsh, Joseph [IWD]
Subject: State Comparison of fact-findings....

was disqualified from benefits. The appeal board affirmed. The district court reversed, finding that the agency's interpretation of the statute was inconsistent with the purpose and principles of Iowa Code chapter 96. Respondent appeals.

Under the Iowa Administrative Procedure Act, the district court functions in an appellate capacity to correct errors of law on the part of the agency. *Barnes v. Iowa Dep't of Transp.*, 385 N.W.2d 260, 263 (Iowa 1986). Our review of a decision of a district court rendered pursuant to the Iowa Administrative Procedure Act, Iowa Code section 17A.19, is limited to the sole question of whether the district court correctly applied the law. *Jackson County Public Hosp. v. Public Employment Relations Bd.*, 280 N.W.2d 426, 429 (Iowa 1979). We must therefore apply the standards of section 17A.19(8) to the agency action to determine whether our conclusions are the same as those of the district court. *Lefebure Corp. v. Iowa Dep't of Job Service*, 341 N.W.2d 768, 770 (Iowa 1983).

I. The respondent Employment Appeal Board claims that voluntary separation from regular, part-time employment without good cause during a second benefit year is a disqualifiable event under Iowa employment security law. The Board states that the work secured by Welch with the City of Minburn became regular and suitable based upon the length of his unemployment. This is because Welch was unemployed for one year and was required to secure a job in order to maintain his partial unemployment benefits in the second benefit year. Welch asserts that the agency did not raise this argument in any proceedings below and so cannot raise it now on appeal.

A party cannot raise for the first time on appeal issues of fact or law which have not been raised below. *Chicago & N.W. Transportation Co. v. Iowa Trans.*, 322 N.W.2d 273, 276 (Iowa 1982). This principle of law extends to judicial review of administrative decisions where issues have not been raised during the contested case proceeding. *Armstrong v. State of Iowa Bldgs.*, 382 N.W.2d 161, 165 (Iowa 1986). The federal courts recite that the validity of agency decisions must rest upon the reasoning as given by the agency and not based upon counsel's post hoc rationalization. E.g., *Motor Vehicle Manufacturers v. State Farm Mutual*, 463 U.S. 29, 50, 103 S.Ct. 2856, 2870, 77 L.Ed.2d 443, 462 (1983).

We agree with Welch that the Board's characterization of Welch's work with the City of Minburn as "suitable," as that word is contained in Iowa Code section 96.5(3) (1985), is an issue which should have been addressed below. A review of the record discloses this argument was not previously raised.

II. While Welch worked for City of Minburn, his wages reduced his benefits according to a statutory formula contained in Iowa Code section 96.3(3), called a wage-earnings limitation. See I.A.C. 370--4.18 (1986). In other words, a claimant who is unemployed as a result of a separation from his regular, full-time employment and who continues to meet the other eligibility requirements of availability and actively and earnestly seeks work pursuant to Iowa Code section 96.4(3) may work part-time and still receive benefits as a result of his separation from his full-time employment. However, the weekly earnings must not exceed the weekly benefit amount plus \$15. Welch met the requirements of section 96.4(3) to actively search for work and be available. He was not required to accept part-time work or supplement his benefits. Thus, the issue before us is one of first impression: whether a claimant's voluntary quit from part-time employment during a second benefit year of receiving partial unemployment benefits is a disqualifiable event resulting in a total benefit disqualification.

Iowa Code section 96.5(1) (1985) disqualifies an individual for benefits "[i]f the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department." The respondent claims the district court erred by failing to properly construe the

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statutory scheme, which it contends is to prohibit voluntary separation from regular, part-time work when a claimant has been unemployed for an extended period of time. The respondent states that Iowa Code section 96.5(1) applies to disqualify a claimant from benefits if he voluntarily leaves full-time or part-time employment.

The Iowa Supreme Court in *McCarthy v. IESC*, 247 Iowa 760, 762, 76 N.W.2d 201, 202 (1956), stated that Iowa Code section 96.5(1), and specifically the word "work" in the clause "if he left his work," was not "plain and unambiguous" when applied to entitlement issues involving part-time or full-time work. The court ruled "... whether the process be called 'interpretation' of the language, or merely 'application' of it to unforeseen facts, we must, if reasonably possible, avoid a result clearly contrary to the avowed purpose of the entire Chapter." *Id.*

The issue presented demands determination of the legislative intent and statutory construction of the language of Chapter 96. Chapter 96 is to be construed liberally to achieve the objective of minimizing the burden of involuntary unemployment. *Maschino v. George A. Hormel & Co.*, 372 N.W.2d 256, 261 (Iowa 1985). In interpreting a statute, the court must look to the object to be accomplished and evils sought to be remedied or the purpose to be subserved. *Shidler v. All American Life and Financial Corp.*, 298 N.W.2d 318, 321 (Iowa 1980). Courts must place a reasonable construction on the statute which will best effect its purpose rather than defeat its purpose. *Peppers v. City of Des Moines*, 299 N.W.2d 675, 678 (Iowa 1980).

We are in agreement with the district court's construction of the statutory language to find Welch entitled to continue receiving partial benefits even though he voluntarily quit his part-time employment with the City of Minburn. The district court based its decision on the *McCarthy* case, which recognized that the legislature did not intend the term "work" in section 96.5(1) to be applied to all employment situations and especially those not the cause of the claimant's unemployment. *McCarthy* involved a claimant who quit, without good cause, a part-time job held concurrent with his regular, full-time employment. He was then laid off and disqualified from receiving benefits under the rationale that section 96.5(1) does not distinguish between part-time and regular work and hence total benefit disqualification resulted from any part-time separation without cause. The court in *McCarthy*, 247 Iowa at 765, 76 N.W.2d at 204, held that part-time separation had no effect on the claimant's entitlement to benefits because the part-time separation did not cause the claimant's initial unemployment and that a windfall would come to the regular employer who did cause claimant's unemployment because of that employer's being relieved of liability. We find the district court's decision in the case at hand is consistent with the rationale given in *McCarthy*.

A recent Minnesota case addressed this particular issue with substantially the same fact pattern. In *Holman v. Olsten Corp., Olsten Health Care Service*, 389 N.W.2d 236, 241 (Minn.1986), the Minnesota Supreme Court held that a quit without good cause from part-time employment obtained to supplement benefits and therefore entitling claimant to partial unemployment benefits based on a previous regular employment separation was not disqualifiable. The "all or nothing proposition" is not justified by the cases or statutes. *Id.*

There are certain policy considerations to which we look for our guidance in resolving this issue. The unemployment statutory schemes provide a statutory benefit formula which provides a monetary incentive for unemployed workers to supplement their benefits; to totally disqualify benefits from those in Welch's situation would appear to be inconsistent and act as a punishment for seeking

supplemental part-time work. We think that a total separation disqualification applies to one's "primary" or "regular" employment which was the original cause of the claimant's unemployment. Furthermore, for the employer who did cause claimant's unemployment to be relieved of paying unemployment compensation, as in the case at hand, would give that employer an undue benefit. We think

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this case should be treated in the same light as prior cases holding that separation disqualification should not apply to a concurrent part-time separation because the part-time work did not create claimant's unemployed status. *McCarthy*, 247 Iowa at 765, 76 N.W.2d at 203. It appears to us that the legislative scheme is to provide an incentive to unemployed workers to supplement their benefits with part-time work while at the same time allowing them to remain available for employment consistent with their regular employment by being able to actively and earnestly seek work pursuant to Iowa Code section 96.4(3).

The Board argues that because Welch's part-time separation occurred in a second benefit year, this necessitates a different statutory construction. The statutes allow unemployed workers to receive benefits as long as the individuals meet a minimum requirement of earning \$250 in insured work subsequent to a first benefit year claim. Iowa Code § 96.4(4). This requirement would seem to encourage unemployed workers to find some sort of employment, rather than to relieve the liability of the employer who caused the unemployment. Welch's part-time work was obtained in his first benefit year to supplement his benefits; when he reached the end of this first benefit year, he could requalify for a second benefit year by continuing with part-time employment. At the end of Welch's first benefit year, he was entitled to draw upon wage credits earned from Oscar Mayer Foods; the same disqualification provisions of Iowa Code section 96.5 and eligibility provisions of Iowa Code section 96.4 applied. The Code does not make a distinction between a first benefit year entitlement and a second benefit year entitlement, and we also decline to do so.

Welch was employed by Oscar Mayer for twenty-one years. He met the statutory and agency requirements to entitle him to draw on wage credits in a second benefit year. We do not think there should be total disqualification of benefits due to his voluntary quit from his part-time employment with the City of Minburn in his second benefit year. His unemployed status was created by his separation from Oscar Mayer Foods and continued throughout the period of his claim. When he commenced part-time work and supplemented his benefits, he was still unemployed but only partially unemployed as defined in Iowa Code section 96.19(9). See also § 96.3(2) and (3). His separation from part-time work changed his status from partially unemployed to totally unemployed, not from employed to unemployed. His partial unemployment benefits reduce the charges to Oscar Mayer's account, but it does not remove the fact his initial cause of unemployment was due to separation from Oscar Mayer.

We cannot think it was the legislature's intent to encourage benefit supplementation but to do so, a claimant would risk losing full benefits to which he is entitled; this rationale would only serve to penalize those workers who in good faith attempt to lessen the economic burden of unemployment. The legislature by providing a reduction formula in section 96.3(3) if part-time work is accepted is giving a recipient an incentive and encouragement to seek part-time work. If a recipient works part-time, his unemployment benefits are reduced but the recipient is left with more income than if he did not work. Recipients would be hesitant to accept part-time work if they had to fear risking total benefits in case they left their part-time work. The ultimate result if we were to adopt the agency's

statutory rationale would be that one class of non-working, unemployed recipients would continue to collect full benefits while part-time working recipients of benefits who quit would be totally disqualified. The effect of this rationale is "to reward the idle and punish the ambitious." *Emerson v. Dir. of Div. of Empl. Sec.*, 393 Mass. 351, 471 N.E.2d 97, 99 (1984). Similarly, in *Tomlin v. Cal. Un. Ins. Appeals*, 82 Cal.App.3d 642, 147 Cal.Rptr. 403, 407 (1978), the court held under similar circumstances that it made no sense to penalize the claimant by disqualifying him from any and all benefits for quitting optional part-time work for whatever reason. The *Tomlin* court held that an individual is disqualified

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for unemployment compensation benefits if the Director finds that he or she left his or her most recent work voluntarily without good cause, with the term "most recent work" referring to primary, principal, or full-time employment. *Id.* 147 Cal.Rptr. at 408. Disqualifying such claimants from total benefits nullifies any incentive for them to work part-time. In construing legislative enactments, courts should avoid strained, impractical, or absurd results, *Welp v. Iowa Dept. of Review*, 333 N.W.2d 481, 483 (Iowa 1983). To interpret the statutory language of section 96.5(1) as the agency would desire would result in an impractical result which would be unfortunate if carried out.

The district court found that "the agency decisions which created a benefit overpayment and continuing a denial of benefits to the Petitioner should be reversed." The overpayment represented the amount of partial benefits Welch received as a result of his part-time work with City of Minburn offsetting the charge to Oscar Mayer's account. We find it would be consistent with the statutory scheme to award benefits at the level Welch would have received absent his separation from part-time work, this amount to continue and be in order for requalification upon the commencement of claimant's subsequent benefit year, pursuant to statutory and agency guidelines.

Iowa Code section 96.7(3)(a)(2) refers to the principle that no employer should have its account charged for benefits paid unless the employer has in some sense been responsible for the claimant's unemployment (i.e., a quit with good cause attributable to the employer or for discharges not based on misconduct). Agency rules 370-4.26(15) and 4.27(1), state that when a claimant quits supplemental or concurrent employment without cause and is subsequently separated with cause from full-time employment, there will be no entitlement disqualification. However, the wage credits earned from the supplemental employment cannot be credited to the claimant's base period wage credits until he has "requalified" as provided in Iowa Code section 96.5(1)(g). In other words, the supplemental employer being "innocent" does not have his account charged and the employee is not allowed to utilize wages earned from employment that was quit without good cause at least until he has requalified those credits by earning ten times his weekly benefit amount. We find that these same charging principles and rules could be applied to this case. Welch could not utilize wage credits earned from the City of Minburn unless and until he worked and was paid ten times his weekly benefit amount subsequent to the quit, and the City of Minburn's account would not be charged or affected.

We affirm the district court.

AFFIRMED.

Message: 05058.sw.doc

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: 40860997
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **05058.sw.doc**

From Wise, Steve [IWD] **Date** Saturday, June 08, 2013 2:03 PM
To Wise, Steve [IWD]
Cc

 [05058.sw.doc](#) (45 Kb HTML)

Steve Wise
Administrative Law Judge
515-281-3747

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>SUNNY D BARTON 4635 AVENUE J APT F3 FORT MADISON IA 52627- 4613 IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO. 13A-UI-05058-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>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:</p> <p align="center"><i>Employment Appeal Board</i> <i>4th Floor – Lucas Building</i> <i>Des Moines, Iowa 50319</i> OR <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: 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.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION: A true and correct copy of this decision was mailed to each of the parties listed.</p>
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**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>SUNNY D BARTON Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO. 13A-UI-05058-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p align="right">OC: 10/07/12 Claimant: Appellant (1)</p>
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Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 17, 2013, reference 03, that concluded she was overpaid unemployment insurance benefits in the amount of \$2,179.75. A telephone hearing was scheduled for June 4, 2013. The claimant failed to participate in the hearing.

ISSUE:

Was the claimant was overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 7, 2012. The claimant filed for and received a total of \$2,179.75 in unemployment insurance benefits for the weeks between October 7 and December 22, 2012.

After a fact finding interview in which the employer participated, an unemployment insurance decision was issued on October 24, 2012, that the claimant was qualified to receive benefits.

The unemployment insurance decision that concluded the claimant was eligible to receive benefits was reversed in a decision of the administrative law judge in appeal 12A-UI-13128-JTT. The administrative law judge concluded the claimant was discharged for misconduct and disqualified for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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

The claimant was overpaid \$2,179.75 in unemployment insurance benefits. Recovery of the overpayment cannot be waived because the employer participated in the fact-finding interview.

DECISION:

The unemployment insurance decision dated April 17, 2013, reference 03, is affirmed. The claimant was overpaid \$2,179.75 in unemployment insurance benefits, which must be repaid.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed
saw/

Message: 05064.sw.doc

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: 40860998
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **05064.sw.doc**

From Wise, Steve [IWD] **Date** Saturday, June 08, 2013 3:29 PM
To Wise, Steve [IWD]
Cc

 **05064.sw.doc** (42 Kb HTML)

Steve Wise
Administrative Law Judge
515-281-3747

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>CHELSEA R THOMPSON 15245A ASH ST CLEAR LAKE IA 50428-8751 IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO: 13A-UI-05064-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>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:</p> <p align="center"><i>Employment Appeal Board 4th Floor – Lucas Building Des Moines, Iowa 50319 OR 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. 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.</p>
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**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>CHELSEA R THOMPSON Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO: 13A-UI-05064-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p align="right">OC: 04/14/13 Claimant: Appellant (2)</p>
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Section 96.4-3 - Active Work Search

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 23, 2013, reference 02, that warned that the claimant had failed to make two in-person job contacts for the week ending April 20, 2013. A telephone hearing was held on June 4, 2013. The claimant participated in the hearing.

ISSUE:

Did the claimant actively search for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 14, 2013. At the time the claimant filed for benefits, she was informed and understood that she was required to actively seek work by personally contacting two employers each week seeking employment.

The claimant made two in-person job contacts during the week ending April 20, 2013. After the week ended, the claimant filed a weekly claim for benefits using the voice response system. The claimant reported that she had not made two in-person job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if she failed to make two in-person job contacts.

REASONING AND CONCLUSIONS OF LAW:

ref 11 & 153

The claimant made an active search for work in accordance with the law and the instructions given to her for the week ending April 20. The warning was therefore unwarranted.

DECISION:

The unemployment insurance decision dated April 23, 2013, reference 02, is reversed. The agency shall remove the warning from its records since issuance of the warning was unwarranted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed
saw/

Message: 05056.sw.doc

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: 40860999
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **05056.sw.doc**

From Wise, Steve [IWD] **Date** Saturday, June 08, 2013 4:10 PM
To Wise, Steve [IWD]
Cc

 [05056.sw.doc](#) (45 Kb HTML)

Steve Wise
Administrative Law Judge
515-281-3747

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>MILICA BANJANAC 619 SW 61ST ST DES MOINES IA 50312 IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 13A-UI-05056-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>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:</p> <p style="text-align: center;"><i>Employment Appeal Board 4th Floor – Lucas Building Des Moines, Iowa 50319 OR 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: 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.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION: A true and correct copy of this decision was mailed to each of the parties listed.</p>
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**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>MILICA BANJANAC Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 13A-UI-05056-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p style="text-align: right;">OC: 04/21/13 Claimant: Appellant (1)</p>
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871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 25, 2013, reference 01, that denied the claimant's request to backdate her claim. A telephone hearing was held on June 4, 2013. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

ISSUE:

When should the claimant's claim for unemployment insurance benefits be made effective?

FINDINGS OF FACT:

The claimant worked for DaVita Renal Care from July 7, 2004, until April 15, 2013, when she was informed that her employment was terminated. She filed a new claim for unemployment insurance benefits during the week of April 15, 2013. The claimant did not file the claim during the week of April 15, 2013, because she was trying to determine why she was discharge and find out whether the employer would allow her to resign.. The claimant requested that the claim be backdated to be effective April 14, 2013.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is on what date should the claim for benefits be made effective.

ref13(DELETE LAST TWO PARAGRAPHS).

The claimant has not shown she received incorrect advice by an agency employee, her failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective April 21, 2013.

DECISION:

The unemployment insurance decision dated April 25, 2013, reference 01, is affirmed. The claimant's request to backdate the claim is denied.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed
saw/

Message: Decision

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: 40861003
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Decision**

From Wise, Steve [IWD] **Date** Monday, June 10, 2013 1:02 PM

To Wise, Steve [IWD]

Cc

 [05068.sw.doc](#) (47 Kb HTML)  [05069.SW.doc](#) (46 Kb HTML)

Steve Wise
Administrative Law Judge
515-281-3747

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>GERALD L EDSTRAND 2518 BELLEVUE BETTENDORF IA 52722 APAC CUSTOMER SERVICES LLC C/O TALX - UC EXPRESS P O BOX 283 ST LOUIS MO 63166- 0283</p>	<p>68-0157 (9-06) - 3091078 - EI APPEAL NO. 13A-UI-05068-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>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: <i>Employment Appeal Board</i> <i>4th Floor – Lucas Building</i> <i>Des Moines, Iowa 50319</i> OR <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. 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.</p>
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**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>GERALD L EDSTRAND Claimant APAC CUSTOMER SERVICES LLC Employer</p>	<p>68-0157 (9-06) - 3091078 - EI APPEAL NO. 13A-UI-05068-SWT ADMINISTRATIVE LAW JUDGE DECISION OC: 04/0713 Claimant: Appellant (2)</p>
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Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 24, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 4, 2013. The parties were properly notified about the hearing. The claimant

participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as a customer service representative from September 25, 2010, to April 9, 2013.

On April 5, 2013, the claimant left work early. He had become upset after a team lead who had monitored one of his calls said she had failed him on the quality check. The claimant had issues with the team lead before and had been assured by management that she would not be monitoring his calls. He did not believe there were any deficiencies in how he handled the call. When the claimant left, he notified other employees that he was leaving. The claimant understood that he would receive an attendance occurrence for leaving work early, but he was nowhere near the number of points to justify termination.

The claimant reported to work as scheduled on April 9, 2013, and was informed by the program manager that the employer considered her to have quit when he left work. The claimant never intended to quit his employment when he left work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. To voluntarily quit means a claimant exercises a voluntary choice between remaining employed or discontinuing the employment relationship and chooses to leave employment. To establish a voluntary quit requires that a claimant must intend to terminate employment. Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989); Peck v. Employment Appeal Board, 492 N.W.2d 438, 440 (Iowa App. 1992).

The claimant never intended to quit his employment. The separation must be treated as a discharge.

The next issue in this case is whether the claimant was discharged for work-connected misconduct. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

No willful and substantial misconduct has been proven in this case. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise

eligible.

DECISION:

The unemployment insurance decision dated April 24, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed
saw/

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>HOLLI E BAKER 734 – 12TH AVE S CLINTON IA 52732 IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO. 13A-UI-05069-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p>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:</p> <p align="center"><i>Employment Appeal Board</i> <i>4th Floor – Lucas Building</i> <i>Des Moines, Iowa 50319</i> OR <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. 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.</p> <p>SERVICE INFORMATION: A true and correct copy of this decision was mailed to each of the parties listed.</p>
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**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>HOLLI E BAKER Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p align="center">APPEAL NO. 13A-UI-05069-SWT ADMINISTRATIVE LAW JUDGE DECISION</p> <p align="right">OC: Claimant: ()</p>
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871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 24, 2013, reference 01, that denied the claimant's request to backdate her claim. A telephone hearing was held on June 4, 2013. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

ISSUE:

When should the claimant's claim for unemployment insurance benefits be made effective?

FINDINGS OF FACT:

The claimant worked for Data Dimensions until the week of April 14, 2013. The employer only had 20 hours for work available for the claimant that week. The claimant filed a new claim for unemployment insurance benefits during the week of April 21, 2013. The claimant did not file the claim during the week of April 14, 2013, because she had problems with her computer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is on what date should the claim for benefits be made effective.

ref13(DELETE LAST TWO PARAGRAPHS).

The claimant's failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective April 21, 2013.

DECISION:

The unemployment insurance decision dated April 24, 2013, reference 01, is affirmed. The claimant's request to backdate the claim is denied.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed
saw/

Message: RE: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE RESEND**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: 40861022
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE**RESEND**

From Wise, Steve [IWD] **Date** Monday, June 17, 2013 4:52 PM
To Lewis, Devon [IWD]
Cc Shroyer, Paula [IWD]

 [05282-2.L.doc](#) (51 Kb HTML)  [05281-2.L.doc](#) (52 Kb HTML)  [05280.-2.L.doc](#) (48 Kb HTML)  [05283-2.L.doc](#) (45 Kb HTML)

I can't figure out what the problem was. I scanned the files for bugs and got nothing. I got the same warnings for 05280+05281+05282 . Did not get the warning for 05283.L. So what I did was use 05283.L as my template and copied and pasted the text from the other 3 decisions and made sure the write appeal # got on them. I can open all 4 of them now without getting the warning. I have no idea why that happened or if there would have been any harm to the computer by re removing protected view to edit them, but there's no reason to tempt fate.

<<05282-2.L.doc>> <<05281-2.L.doc>> <<05280.-2.L.doc>> <<05283-2.L.doc>>

From: Lewis, Devon [IWD]
Sent: Monday, June 17, 2013 4:00 PM
To: Wise, Steve [IWD]
Subject: FW: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE RESEND

<< File: 05280-1.L.doc >> << File: 05281-1.L.doc >> << File: 05282-1.L.doc >> << File: 05283-1.L.doc >>

From: Shroyer, Paula [IWD]
Sent: Monday, June 17, 2013 3:02 PM
To: Lewis, Devon [IWD]
Subject: RE: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE RESEND

Devon, See the box below in center – this is what I'm getting when I try to open these????? Maybe Steve will be able to figure it out??

<< OLE Object: Picture (Device Independent Bitmap) >>

From: Lewis, Devon [IWD]
Sent: Monday, June 17, 2013 3:00 PM
To: Shroyer, Paula [IWD]
Subject: RE: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE RESEND

<< File: 05280.L.doc >> << File: 05281.L.doc >> << File: 05282.L.doc >> << File: 05283.L.doc >>

Let me know if this does not work – finally got IT issues resolved just before 2 pm!

From: Shroyer, Paula [IWD]
Sent: Monday, June 17, 2013 7:36 AM
To: Lewis, Devon [IWD]
Subject: RE: 6/19-45 05280+05281+05282+05283.L (>30@hrg)--PLEASE RESEND

Devon, could you please resend these? For some reason they are not opening for me or printing – thanks!

-----Original Task-----

Subject: 6/19-45 05280+05281+05282+05283.L (>30@hrg)
Priority: Normal

Start date: Mon 6/10/2013
Due date: Wed 6/19/2013

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: Lewis, Devon [IWD]

<< File: 05280.L.doc >> << File: 05281.L.doc >> << File: 05282.L.doc >> << File: 05283.L.doc >>

IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

<p>LORI A PIERCE</p> <p>913 7TH AVE</p> <p>COUNCIL BLUFFS IA 51501</p> <p>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 13A-UI-05282-LT</p> <p>ADMINISTRATIVE LAW JUDGE</p> <p>DECISION</p> <p>APPEAL RIGHTS:</p> <p>This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:</p> <p style="text-align: center;"><i>Employment Appeal Board</i></p> <p style="text-align: center;"><i>4th Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><i>or</i></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p>The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.</p> <p>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</p> <p>The name, address and social security number of the claimant.</p> <p>A reference to the decision from which the appeal is taken.</p> <p>That an appeal from such decision is being made and such appeal is signed.</p> <p>The grounds upon which such appeal is based.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION:</p> <p>A true and correct copy of this decision was mailed to each of the parties listed.</p>
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IOWA WORKFORCE DEVELOPMENT

UNEMPLOYMENT INSURANCE APPEALS

LORI A PIERCE Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	68-0157 (9-06) - 3091078 - EI APPEAL NO. 13A-UI-05282-LT ADMINISTRATIVE LAW JUDGE DECISION OC: 07/22/13 Claimant: Appellant (1)
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Iowa Code § 96.19(20) Definition of an Exhaustee

Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights

Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 24, 2013 (reference 05) decision that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska benefits, which was also the same decision issued in the April 16, 2013 (reference 03) representative's decision that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska. After due notice was issued, a hearing was held by telephone conference call on June 10, 2013. Claimant participated.

ISSUE:

Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior representative's decision and that decision has become final. See, 13A-UI-05280-LT.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior representative's decision and that decision has become final. See, 13A-UI-05280-LT.

Ref. 200

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such

facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The issue presented was resolved in a prior representative's decision dated April 16, 2013 (reference 03) and that decision has become final. See, 13A-UI-05280-LT. The current decision, referring to the prior representative's decision for the same reason and period of ineligibility, is affirmed.

DECISION:

The April 24, 2013 (reference 05) decision is affirmed. The prior decision dated April 16, 2013 (reference 03) that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska benefits remains in effect.

Dévon M. Lewis

Administrative Law Judge

Decision Dated and Mailed

dml/

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>LORI A PIERCE</p> <p>913 7TH AVE</p> <p>COUNCIL BLUFFS IA 51501-</p> <p>IOWA WORKFORCE DEVELOPMENT</p> <p>DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p style="text-align: center;">APPEAL NO. 13A-UI-05281-LT</p> <p style="text-align: center;">ADMINISTRATIVE LAW JUDGE</p> <p style="text-align: center;">DECISION</p> <p>APPEAL RIGHTS:</p> <p>This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:</p> <p style="text-align: center;"><i>Employment Appeal Board</i></p> <p style="text-align: center;"><i>4th Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><i>or</i></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p>The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.</p> <p>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</p> <p>The name, address and social security number of the claimant.</p> <p>A reference to the decision from which the appeal is taken.</p> <p>That an appeal from such decision is being made and such appeal is signed.</p> <p>The grounds upon which such appeal is based.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION:</p> <p>A true and correct copy of this decision was mailed to each of the parties listed.</p>
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IOA WORKFORCE DEVELOPMENT

UNEMPLOYMENT INSURANCE APPEALS

LORI A PIERCE	68-0157 (9-06) - 3091078 - EI
Claimant	APPEAL NO. 13A-UI-05281-LT
IOWA WORKFORCE DEVELOPMENT	ADMINISTRATIVE LAW JUDGE
DEPARTMENT	DECISION
	OC: 07/22/13
	Claimant: Appellant (1)

Iowa Code § 96.19(20) Definition of an Exhaustee

Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 18, 2013 (reference 04) decision that found the claimant overpaid benefits in the amount of \$12.93 because of the April 16, 2013 (reference 03) representative’s decision that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska. After due notice was issued, a hearing was held by telephone conference call on June 10, 2013. Claimant participated. Department’s Exhibit D-1 was received.

ISSUE:

Is the claimant’s appeal was timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: An overpayment decision was mailed to claimant's last known address of record on April 18, 2013. She received the decision within the appeal period. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by April 28, 2013. The appeal was not filed until May 3, 2013, which is after the date noticed on the overpayment decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant's appeal is untimely.

Ref. 22

The ten calendar days for appeal begins running on the mailing date. The "decision date" found in the upper right-hand portion of the representative's decision, unless otherwise corrected immediately below that entry, is presumptive evidence of the date of mailing. *Gaskins v. Unempl. Comp. Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981);

Johnson v. Bd. of Adjustment, 239 N.W.2d 873, 92 A.L.R.3d 304 (Iowa 1976).

The record in this case shows that more than ten calendar days elapsed between the mailing date and the date this appeal was filed. The Iowa Supreme Court has declared that there is a mandatory duty to file appeals from representatives' decisions within the time allotted by statute, and that the administrative law judge has no authority to change the decision of a representative if a timely appeal is not filed. *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877, 881 (Iowa 1979). Compliance with appeal notice provisions is jurisdictional unless the facts of a case show that the notice was invalid. *Beardslee v. Iowa Dep't of Job Serv.*, 276 N.W.2d 373, 377 (Iowa 1979); see also *In re Appeal of Elliott*, 319 N.W.2d 244, 247 (Iowa 1982). The question in this case thus becomes whether the appellant was deprived of a reasonable opportunity to assert an appeal in a timely fashion. *Hendren v. Iowa Emp't Sec. Comm'n*, 217 N.W.2d 255 (Iowa 1974); *Smith v. Iowa Emp't Sec. Comm'n*, 212 N.W.2d 471, 472 (Iowa 1973). Pursuant to Iowa Admin. Code rules 871-26.2(96)(1) and 871-24.35(96)(1), appeals are considered filed when postmarked, if mailed. *Messina v. Iowa Dep't of Job Serv.*, 341 N.W.2d 52 (Iowa 1983).

The record shows that the appellant did have a reasonable opportunity to file a timely appeal. The administrative law judge concludes that failure to follow the clear written instructions to file a timely appeal within the time prescribed by the Iowa Employment Security Law was *not due to any Agency error or misinformation or delay or other action of the United States Postal Service* pursuant to Iowa Admin. Code r. 871-24.35(2). The administrative law judge further concludes that the appeal was not timely filed pursuant to Iowa Code § 96.6(2), and the administrative law judge lacks jurisdiction to make a determination with respect to the nature of the appeal. See, *Beardslee v. Iowa Dep't of Job Serv.*, 276 N.W.2d 373 (Iowa 1979) and *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877 (Iowa 1979).

DECISION:

The April 18, 2013 (reference 04) decision is affirmed. The appeal in this case was not timely, and the decision of the representative remains in effect.

Dévon M. Lewis

Administrative Law Judge

Decision Dated and Mailed

dml/

IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

<p>LORI A PIERCE</p> <p>913 7TH AVE</p> <p>COUNCIL BLUFFS IA 51501-</p> <p>IOWA WORKFORCE DEVELOPMENT</p> <p>DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 13A-UI-05280-LT</p> <p>ADMINISTRATIVE LAW JUDGE</p> <p>DECISION</p> <p>APPEAL RIGHTS:</p> <p>This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:</p> <p style="text-align: center;"><i>Employment Appeal Board</i></p> <p style="text-align: center;"><i>4th Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><i>or</i></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p>The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.</p> <p>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</p> <p>The name, address and social security number of the claimant.</p> <p>A reference to the decision from which the appeal is taken.</p> <p>That an appeal from such decision is being made and such appeal is signed.</p> <p>The grounds upon which such appeal is based.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION:</p> <p>A true and correct copy of this decision was mailed to each of the parties listed.</p>
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UNEMPLOYMENT INSURANCE APPEALS

LORI A PIERCE	68-0157 (9-06) - 3091078 - EI
Claimant	APPEAL NO. 13A-UI-05280-LT
IOWA WORKFORCE DEVELOPMENT	ADMINISTRATIVE LAW JUDGE
DEPARTMENT	DECISION
	OC: 07/22/13
	Claimant: Appellant (1)

Iowa Code § 96.19(20) Definition of an Exhaustee

Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 16, 2013 (reference 03) decision that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska. After due notice was issued, a hearing was held by telephone conference call on June 10, 2013. Claimant participated. Department's Exhibit D-1 was received.

ISSUE:

Is the claimant's appeal was timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A ineligibility decision was mailed to claimant's last known address of record on April 16, 2013. She received the decision within the appeal period. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by April 26, 2013. The appeal was not filed until May 3, 2013, which is after the date noticed on the ineligibility decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant's appeal is untimely.

Ref. 22

The ten calendar days for appeal begins running on the mailing date. The "decision date" found in the upper right-hand portion of the representative's decision, unless otherwise corrected immediately below that entry, is presumptive evidence of the date of mailing. *Gaskins v. Unempl. Comp. Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981); *Johnson v. Bd. of Adjustment*, 239 N.W.2d 873, 92 A.L.R.3d 304 (Iowa 1976).

The record in this case shows that more than ten calendar days elapsed between the mailing date and the date this appeal was filed. The Iowa Supreme Court has declared that there is a mandatory duty to file appeals from representatives' decisions within the time allotted by statute, and that the administrative law judge has no authority to change the decision of a representative if a timely appeal is not filed. *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877, 881 (Iowa 1979). Compliance with appeal notice provisions is jurisdictional unless the facts of a case show that the notice was invalid. *Beardslee v. Iowa Dep't of Job Serv.*, 276 N.W.2d 373, 377 (Iowa 1979); see also *In re Appeal of Elliott*, 319 N.W.2d 244, 247 (Iowa 1982). The question in this case thus becomes whether the appellant was deprived of a reasonable opportunity to assert an appeal in a timely fashion. *Hendren v. Iowa Emp't Sec. Comm'n*, 217 N.W.2d 255 (Iowa 1974); *Smith v. Iowa Emp't Sec. Comm'n*, 212 N.W.2d 471, 472 (Iowa 1973). Pursuant to Iowa Admin. Code rules 871-26.2(96)(1) and 871-24.35(96)(1), appeals are considered filed when postmarked, if mailed. *Messina v. Iowa Dep't of Job Serv.*, 341 N.W.2d 52 (Iowa 1983).

The record shows that the appellant did have a reasonable opportunity to file a timely appeal. The administrative law judge concludes that failure to follow the clear written instructions to file a timely appeal within the time prescribed by the Iowa Employment Security Law was *not due to any Agency error or misinformation or delay or other action of the United States Postal Service* pursuant to Iowa Admin. Code r. 871-24.35(2). The administrative law judge further concludes that the appeal was not timely filed pursuant to Iowa Code § 96.6(2), and the administrative law judge lacks jurisdiction to make a determination with respect to the nature of the appeal. See, *Beardslee v. Iowa Dep't of Job Serv.*, 276 N.W.2d 373 (Iowa 1979) and *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877 (Iowa 1979).

DECISION:

The April 16, 2013 (reference 03) decision is affirmed. The appeal in this case was not timely, and the decision of the representative remains in effect.

Dévon M. Lewis

Administrative Law Judge

Decision Dated and Mailed

dml/

IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

<p>LORI A PIERCE</p> <p>913 7TH AVE</p> <p>COUNCIL BLUFFS IA 51501-</p> <p>IOWA WORKFORCE DEVELOPMENT</p> <p>DEPARTMENT</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 13A-UI-05283-LT</p> <p>ADMINISTRATIVE LAW JUDGE</p> <p>DECISION</p> <p>APPEAL RIGHTS:</p> <p>This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:</p> <p style="text-align: center;"><i>Employment Appeal Board</i></p> <p style="text-align: center;"><i>4th Floor – Lucas Building</i></p> <p style="text-align: center;"><i>Des Moines, Iowa 50319</i></p> <p style="text-align: center;"><i>or</i></p> <p style="text-align: center;"><i>Fax Number: (515)281-7191</i></p> <p>The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.</p> <p>AN APPEAL TO THE BOARD SHALL STATE CLEARLY:</p> <p>The name, address and social security number of the claimant.</p> <p>A reference to the decision from which the appeal is taken.</p> <p>That an appeal from such decision is being made and such appeal is signed.</p> <p>The grounds upon which such appeal is based.</p> <p>YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.</p> <p>SERVICE INFORMATION:</p> <p>A true and correct copy of this decision was mailed to each of the parties listed.</p>
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IOA WORKFORCE DEVELOPMENT

UNEMPLOYMENT INSURANCE APPEALS

LORI A PIERCE	68-0157 (9-06) - 3091078 - EI
Claimant	APPEAL NO. 13A-UI-05283-LT
IOWA WORKFORCE DEVELOPMENT	ADMINISTRATIVE LAW JUDGE
DEPARTMENT	DECISION
	OC: 07/22/13
	Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed the April 26, 2013 (reference 07), decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,321.00 for the six week period ending April 6, 2013 as a result of an ineligibility decision that denied Emergency Unemployment Compensation (EUC) benefits effective January 6, 2013 because of being eligible for a regular UI claim in Nebraska benefits. A telephone hearing was held on June 10, 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 an ineligibility decision that has now been affirmed. Claimant did receive benefits in the gross amount of \$1,321.00.

REASONING AND CONCLUSIONS OF LAW:

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

Ref. 41

The administrative law judge understands the claimant's frustration about the conflicting and misinformation, but must conclude that the claimant has been overpaid unemployment insurance benefits in the amount of \$1,321.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been affirmed.

DECISION:

The April 26, 2013 (reference 07) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$1,321.00 to which she 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: ONLINE RESOURCES Instructions

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: 40861027
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

FW: ONLINE RESOURCES Instructions

From Wise, Steve [IWD]

Date
 Thursday, June
 20, 2013 9:11
 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]; Scheetz, Beth
 [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland,
 James [IWD]; Walsh, Joseph [IWD]; Wise, Debra [IWD]; Wise, Steve
 [IWD]

Cc Scott, Cheryl [IWD]; Shroyer, Paula [IWD]

[FORM DECISION WITH INTERNET INFO.doc](#) (48 Kb HTML) [Insert Online Resources in Footer.doc](#)
 (366 Kb HTML) [image001.png](#) (1 Kb HTML) [image002.png](#) (1 Kb HTML) [image003.png](#) (2 Kb HTML)
[image004.png](#) (1 Kb HTML) [image005.png](#) (1 Kb HTML) [image006.png](#) (2 Kb HTML)

Word processing has reported that there are still some decisions coming to them without the correct ONLINE RESOURCES information **IN THE FOOTER** on the first page. I am resending the instructions on this. Again, you may have to delete the spaces before and after the OR as shown below to avoid having the info splitting over to the next page.

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

OR

Fax Number: (515)281-7191

Mine

*Employment Appeal Board
 4th Floor – Lucas Building
 Des Moines, Iowa 50319
 or
 Fax Number: (515)281-7191*

Please let me know if you need some assistance on this.

From: Wise, Steve [IWD]
Sent: Friday, May 31, 2013 2:39 PM
To: Walsh, Joseph [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]; Wise, Debra [IWD]
Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Levell, Terra [IWD]
Subject: ONLINE RESOURCES Instructions

I have modified my FORM DECISION WITH INTERNET INFO.doc with the approved language and it is attached. I have also included step by step instructions for pasting the approved language into a footer. You can actually get to the footer by just double-left clicking at the very bottom of the first page, but the step-by-step shows how to get to it using the menu tabs.

From: Walsh, Joseph [IWD]
Sent: Friday, May 31, 2013 1:00 PM
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]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]
Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]
Subject:

Final Draft Director Approved. Per Steve 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/>
Becoming a member employer through Skilled Iowa and utilizing internships: <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>

Joseph L. Walsh

Chief Administrative Law Judge
Unemployment Insurance Appeals
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: (515) 281-8119
joseph.walsh@iwd.iowa.gov

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

**APPEAL NO. 13A-UI--T
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

4th 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.

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

Claimant	68-0157 (9-06) - 3091078 - EI
Employer	APPEAL NO. 13A-UI--T ADMINISTRATIVE LAW JUDGE DECISION OC: Claimant: ()

STATEMENT OF THE CASE:

ISSUE:

FINDINGS OF FACT:

REASONING AND CONCLUSIONS OF LAW:

DECISION:

Administrative Law Judge

Decision Dated and Mailed

/

Insert Online Resources in Footer

Copy this text and Open one of your Decision Shells

ONLINE RESOURCES:

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

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

Becoming a member employer through Skilled Iowa and utilizing internships: <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>

Step 1: User left click on "Insert tab"

Step 2: User left click on "Footer (drop down button)"

Step 3: User left click on "Edit Footer (menu item)"

Step 4: Press Ctr-V to paste the text into the Footer

Step 5: (5/31/2013 1:58:37 PM) User left click on "Close Header and Footer"

Message: RE: New OP 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: 40861056
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: New OP language**

From	Wise, Steve [IWD]	Date	Wednesday, June 26, 2013 1:41 PM
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]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Ackerman, Susan [IWD]; Nice, Terence [IWD]		
Cc			

Lynette asked me what my question was:

Here is my response:

My concern is the requirement that the Agency issue a determination of charges with identifying claimant information such as the claimant name, social security number, and the reason(s) for the determination. It goes on further to state that the employer has the right to appeal the decision. It suggests to me that the Agency is make an initial determination on the charge issues with a right to appeal.

I had raised this before that perhaps we do not need to change our remand policy, but instead of just remanding it for the question of recovery of the overpayment, we also remand for determination on the employer charge issue.

Employer Notification of Charges

Question: What type of notification must states provide to the employer when the state determines that the employer, or the employer's agent, was at fault for failing to respond timely or adequately to a request for information relating to a claim, which caused an overpayment?

Answer: A state must follow its own law concerning notification of charges to an employer, or its agent. This notice must provide identifying claimant information such as the claimant name, social security number, and the reason(s) for the determination.

b. **Question:** May an employer appeal the state's determination that the employer (or its agent) is at fault for failing to respond timely or adequately to the agency's request for information relating to a claim?

Answer: Yes. The employer may appeal the determination by the state that the employer was at fault for "failing to respond... timely and adequately...."

From: Wise, Steve [IWD]

Sent: Wednesday, June 26, 2013 1:04 PM

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]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Ackerman, Susan [IWD]; Nice, Terence [IWD]

Subject: RE: New OP language

I think it would be useful for folks to have access to the DOL program letters regarding the federal legislation that led to the state legislation. I just found this. I still have a question about implementing this at the Appeals level based on the information on pages 3-4 of http://wdr.doleta.gov/directives/attach/UIPL/UIPL_2_12_Chg1_Att.pdf

This all is the result of Unemployment Compensation (UC) Program Integrity Amendments made by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA)

Here is some DOL Information.

http://wdr.doleta.gov/directives/attach/UIPL/uipl_2_12_acc.pdf

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If you do a search on Unemployment Compensation (UC) Program Integrity Amendments made by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA) you can find other information.

From: Donner, Lynette [IWD]

Sent: Wednesday, June 26, 2013 11:28 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]

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Attached is the consensus language on the new OP language for hearing notice issues and for decisions.

The assumption is that support staff is going to automatically be pulling and sending out the f/f documentation to the parties on the ER separation appeals so that we can make a ruling on the "participation" issue. I personally would prefer if the staff could put a page numbering, such as circled page numbering, on each of the pages for easy reference as necessary during the hearing.

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Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:02 PM
 Item ID: 40861057
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: New OP language**

From Wise, Steve [IWD] **Date** Thursday, June 27, 2013 10:35 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]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Ackerman, Susan [IWD]; Nice, Terence [IWD]

Cc

Yesterday, there was a question about whether an employer can show good cause for failure to respond adequately or timely under 96.3-7-b(1)(a).

If you read on top of page 6 of the UIPL 2-12, http://wdr.doleta.gov/directives/attach/UIPL/uipl_2_12_acc.pdf, it provides the following answer from the Federal DOL perspective.

H. Good Cause: Many state laws provide for good cause for failure to follow certain administrative requirements (e.g., good cause for filing an appeal late). While states may provide for good cause for failure to respond timely or adequately to information requests, in order for the prohibited relief from charging to have practical effect, such good cause must be extremely limited (e.g., agency error resulted in the notice being sent to the wrong address or a disaster made it impossible for an employer to respond timely). Otherwise, the costs of these overpayments will be borne by all employers in the state.

From: Wise, Steve [IWD]
Sent: Wednesday, June 26, 2013 1:41 PM
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]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Ackerman, Susan [IWD]; Nice, Terence [IWD]
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Sent: Wednesday, June 26, 2013 1:04 PM

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]; Mormann, Marlon [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Ackerman, Susan [IWD]; Nice, Terence [IWD]

Subject: RE: New OP language

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http://wdr.doleta.gov/directives/attach/UIPL/UIPL_2_12_Chg1_Att.pdf

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Sent: Wednesday, June 26, 2013 11:28 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: New OP language

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parties on the ER separation appeals so that we can make a ruling on the "participation" issue. I personally would prefer if the staff could put a page numbering, such as circled page numbering, on each of the pages for easy reference as necessary during the hearing.

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: 40861070
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: Word Processors

From	Wise, Steve [IWD]	Date Monday, July 01, 2013 8:32 AM
To	Mormann, Marlon [IWD]; 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]; Walsh, Joseph [IWD]	
Cc	Shroyer, Paula [IWD]; Scott, Cheryl [IWD]	

Nothing that we write on the Outlook task requests we send in directly affect the DOL stats. The statistics are automatically calculated in our mainframe system based on the date that the appeal was filed compared to the date the decision is entered by the clerks. What we write on the Outlook task requests is what gives the Work processor the date of the hearing and the heads up as to when the decision can make the 30 or 45 days or when the decision is old.

From: Mormann, Marlon [IWD]
Sent: Monday, July 01, 2013 8:23 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, Cheryl [IWD]
Subject: RE: Word Processors

Does this affect statistics? I don't think this is something we can just change. We have due dates that are reported to DOL. Does this affect our DOL statistics? We can't just change this in my humble opinion. We all need to do the same thing for the benefit of our word processors.

Marlon Mormann, Administrative Law Judge
515-265-3512

From: Scheetz, Beth [IWD]
Sent: Monday, July 01, 2013 8:15 AM
To: Mormann, Marlon [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

With regard to due date, I don't think anything is new except for the information about when the decision is old.

It's my understanding that we are all doing different things when the decision is old. In an effort toward uniformity, there was a thought that we could all put a date that would be the day after the date it was sent in.

Sorry for the confusion about that.

Beth

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: Lotus Notes...**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: 40861103
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Lotus Notes...**

From Wise, Steve [IWD] **Date** Monday, July 08, 2013 12:19 PM
To Hillary, Teresa [IWD]; Goode, JoAnn [IWD]
Cc Benson, Joni [IWD]; Walsh, Joseph [IWD]

Tere:

Have you got word that you are authorized? As I mentioned in my email below, there is no point in trying to get Lotus Notes set up until Joni tells you that you are authorized through JoAnn Goode. I assume that authorization would include the ID you referred to, but maybe I'm wrong on that.

Also, I am reading JoAnn Goode's email from 6/14/13, where she says. "I need the following information, for each of the staff listed below, to complete the request for Lotus Notes:

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We were asked to provide SS #s to Joni, but none of this other information. JoAnn do you still need this other information as well to complete the access request?

Finally, in a recent email from Gary Bateman about Randy's computer needing to be reimaged, he said: "We will go ahead and load Lotus Notes but we need to convert the application to another product because Lotus Notes we be discontinued in the near future." So, it may be that if do the training using Lotus Notes we may find that the applications we want won't be available on Lotus Notes "in the near future."

Let me know if you have other questions.

Steve

From: Hillary, Teresa [IWD]
Sent: Monday, July 08, 2013 11:42 AM
To: Wise, Steve [IWD]
Subject: RE: Lotus Notes...

I just tried to have Annette at the help desk walk me through getting it set up and was told I need to have a new ID

created. Just an FYI as all of the alj's will need this on their laptops for training on July 18.

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Sent: Monday, June 24, 2013 9:20 AM
To: Scheetz, Beth [IWD]; Lewis, Devon [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [IWD]; Hillary, Teresa [IWD]; Mormann, Marlon [IWD]; Nice, Terence [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]
Cc: Benson, Joni [IWD]; Wise, Steve [IWD]
Subject: RE: Lotus Notes...

If you do not have the Lotus Notes program installed on your computer, it is not necessary to get it installed according to the Help Desk, you can just use the Shared Application from the network. To access this program, copy the following link

\\wdad05ln\Shared_Apps\Lotus Notes\Lotus Notes 6.5.exe

Go to your desktop and right click and choose "NEW" and then "Shortcut" to create a shortcut for the program. In the box where it says "Type the location of the item," right click in the box and choose Paste to paste the file location for the Lotus Notes program. Choose Next and then Finish. This will create the Lotus Notes icon on your desktop.

There is no use clicking on the icon until you have received word from Joni that you are authorized to access the program (you have to call her with your SS#). There is actually a set-up process with domain settings, etc. that you will have to go through to get Lotus Notes working properly. Once I have received word that I am authorized I will get it set up and send folks instruction on the process. Or you could probably call the Help Desk and they can walk you through the process.

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

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I assume I have it on my computer.
Beth

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Sent: Tuesday, June 18, 2013 3:46 PM
To: Lewis, Devon [IWD]; 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]
Subject: RE: Lotus Notes...

We will have to ask them. In theory they should be able to but in reality who knows.

From: Lewis, Devon [IWD]
Sent: Tuesday, June 18, 2013 3:44 PM
To: Wise, Steve [IWD]; 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]

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Subject: RE: Lotus Notes...

Many of us don't have the Lotus Notes program installed on our computers because it has not be required for our work for many years now. I do not have it my computer. ALJs who don't have Lotus Notes will have to contact IT to have it installed.

Steve

From: Walsh, Joseph [IWD]

Sent: Tuesday, June 18, 2013 2:44 PM

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]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Subject: FW: Lotus Notes...

To get access to Lotus Notes you may send this information directly to JoAnn Goode.

From: Goode, JoAnn [IWD]

Sent: Friday, June 14, 2013 11:22 AM

To: Walsh, Joseph [IWD]

Subject: RE: Lotus Notes...

Good morning Joe. I need the following information, for each of the staff listed below, to complete the request for Lotus Notes:

- Middle Initial:
- Office Phone Number:
- Last Date of Hire:
- Month and Day of Birth:
- Mother's Maiden Name:

Thank you

From: Walsh, Joseph [IWD]

Sent: Wednesday, June 12, 2013 9:01 PM

To: Goode, JoAnn [IWD]

Subject: RE: Lotus Notes...

All of the ALJs need it. Teresa Hillary does not need to be on the email. She no longer does any sort of lead work.

Susan Ackerman

Lynette Donner

Julie Elder

Bonny Hendricksmeier

Teresa Hillary

Devon Lewis

Marlon Mormann

Terry Nice

Beth Scheetz

Vicky Seeck
Randy Stephenson
James Timberland
Deb Wise
Steve Wise
Joe Walsh

From: Goode, JoAnn [IWD]
Sent: Monday, June 10, 2013 9:49 AM
To: Walsh, Joseph [IWD]
Cc: Hillary, Teresa [IWD]
Subject: Lotus Notes...

Good morning Joe.

Please let me know which of your staff need access to Lotus Notes. I will be glad to work on access for them.

Message: RE: Lotus Notes...**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: 40861104
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

RE: Lotus Notes...

From Wise, Steve [IWD] **Date** Monday, July 08, 2013 12:21 PM
To Hillary, Teresa [IWD]
Cc Benson, Joni [IWD]; Walsh, Joseph [IWD]

Just so you know, I got an out-of-office message from JoAnn saying she is out of the office until July 15.

From: Wise, Steve [IWD]
Sent: Monday, July 08, 2013 12:19 PM
To: 'Hillary, Teresa [IWD]'; 'Goode, JoAnn [IWD]'
Cc: Benson, Joni [IWD]; Walsh, Joseph [IWD]
Subject: RE: Lotus Notes...

Tere:

Have you got word that you are authorized? As I mentioned in my email below, there is no point in trying to get Lotus Notes set up until Joni tells you that you are authorized through JoAnn Goode. I assume that authorization would include the ID you referred to, but maybe I'm wrong on that.

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All of the ALJs need it. Teresa Hillary does not need to be on the email. She no longer does any sort of lead work.
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James Timberland
Deb Wise
Steve Wise
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Good morning Joe.

Please let me know which of your staff need access to Lotus Notes. I will be glad to work on access for them.

Message: Revised Tips for typing roughs**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: 40861105
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Revised Tips for typing roughs**

From	Wise, Steve [IWD]	Date Tuesday, July 09, 2013 9:24 AM
To	Mormann, Marlon [IWD]; Scheetz, Beth [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]; Ackerman, Susan [IWD]; Wise, Debra [IWD]; Hendricksmeier, Bonny [IWD]; Nice, Terence [IWD]; Donner, Lynette [IWD]; Timberland, James [IWD]; Elder, Julie [IWD]; Stephenson, Randall [IWD]; Seeck, Vicki [IWD]; Walsh, Joseph [IWD]	
Cc	Shroyer, Paula [IWD]; Scott, Cheryl [IWD]	

 [Revised Tips for typing roughs.doc](#) (129 Kb HTML)

I'm thinking this is what Marlon was looking for. I got it from Paula.

The case law dictation guide that Sharon sent is available on
 \\iwdna1a\appeals\Dictation Guide so there is no need to save the attachments she sent out.

From: Williamson, Kristi [IWD]
Sent: Tuesday, July 09, 2013 8:19 AM
To: Wolfe, Sharon [IWD]; DeHeer, Diana [IWD]
Subject: Dictation guide

Sharon, Diana --

Do you remember this guide that Marlon is referring to? I vaguely remember it. But, it seems like one of you would have sent this out to them? I was just a "youngin" at that time -- just did whatever you guys told me to do. I miss those days sometimes... We did have fun, despite all the issues.

Thanks!

Kristi Williamson
 Word Processor III
 Division of Workers' Compensation
 1000 E. Grand Ave.
 Des Moines, IA 50319

515-281-5048

From: Mormann, Marlon [IWD]
Sent: Tuesday, July 09, 2013 7:58 AM
To: Williamson, Kristi [IWD]
Subject: RE: dictation guide

You called it the handy dandy dictation guide. It told us how to type our decisions. The right way to abbreviate streets. How many spaces between lines and all that stuff. You and the staff at that time created this to teach us minions a better way so as to make decisions uniform. I can't remember who else worked with you at this time. We need that as a starting point to bring back uniformity.

Marlon Mormann, Administrative Law Judge
515-265-3512

From: Williamson, Kristi [IWD]
Sent: Tuesday, July 09, 2013 6:26 AM
To: Mormann, Marlon [IWD]
Cc: Lewis, Devon [IWD]
Subject: RE: dictation guide

A dictation guide... hmmm - I'm coming back from a week's vacation so I'm a little foggy on this at the moment. I need a little more information of what it might consist of? It could be that either Sharon Wolfe or Diana created it? I do still have a few things saved from way back when. I'll take a look and see if I can "jar" some memories!

Thanks.

Kristi Williamson
Word Processor III
Division of Workers' Compensation
1000 E. Grand Ave.
Des Moines, IA 50319
515-281-5048

From: Mormann, Marlon [IWD]
Sent: Monday, July 08, 2013 8:35 AM
To: Williamson, Kristi [IWD]
Cc: Lewis, Devon [IWD]
Subject: dictation guide

Hey Kristi,
a long time ago you and your minions created a dictation guide for unemployment. At least I think that was you. Do you by chance still have a digital copy? I could not find it on the Q drive.

Marlon Mormann, Administrative Law Judge
515-265-3512

- [\[HANDY\]](#)
- [\[D/B/A CASEY'S GENERAL STORE\]](#)
- [\[WAL-MART STORES INC\]](#)
 - [\[PO BOX 283\]](#)
- [\[PO BOX 345\]](#)
- [\[PO BOX 00345\]](#)
- [\[PO BOX 345\]](#)
 - [\[IOWA WORKFORCE\]](#)

HANDY REFERENCE GUIDE FOR TYPING ROUGH DECISIONS

TIPS ON TYPING ROUGH DECISIONS:

REVISED 10/04

The decision shell document is set to default to a block style, so there is no need to indent paragraphs, just double space (return/enter) between each paragraph. The decision shell document is also set to default at wrapping at the end of a line, as opposed to using a carrier return function. Do not use the return key in the body of a decision, except to start a new paragraph.

~~~~~

Never use punctuation marks within the address portion of the decision. Using an apostrophe, like below, or using a hyphen, like in *WAL-MART*, are the only exceptions.

*FOR EXAMPLE:*

**CASEY'S MARKETING**

***D/B/A CASEY'S GENERAL STORE***

**987 GREEN BRIAR RD**

**DES MOINES IA 50315**

**WAL-MART STORES INC**

**C/O TALX UC EXPRESS**

**PO BOX 283**

**ST LOUIS MO 63166-0283**

~~~~~  
In the address portion of the decision, if there is a house number and a numbered street name, offset the numbers with a space hyphen space. Also in addresses, always abbreviate the words ST, RD, PL, CIR, BLVD, etc. (See attached list of abbreviations)

FOR EXAMPLE:

1234 – 56TH ST

789 – 2ND AVE

Note: Use capitol letters when typing number extensions.

~~~~~  
Also, in the address portion of the decision, there is no punctuation used and no space between the "P" and the "O" for post office boxes.

*FOR EXAMPLE:*

**PO BOX 345**

If, on APLT, or any of our other screens, the post office box number shows a number beginning with zeros, do not type the zeros in the decision.

*FOR EXAMPLE:*

If it shows as

**PO BOX 00345**

Leave out the zeros and type:

**PO BOX 345**

~~~~~  
Again, in the address portion of the decision, if there is a direction designation in the address, use an abbreviation. (See attached list of abbreviations)

FOR EXAMPLE:

738 **W** MAIN ST

738 MAIN STREET **W**

927 **NE** HALL AVE

927 HALL AVE **NE**

An exception would be *FOR EXAMPLE*:

555 **NORTH** ST

~~~~~  
If there is no employer, IWDD is to be listed in the address portion of the decision designated for the employer's name and address and it should appear as below with second line indented with three spaces.

*FOR EXAMPLE*:

**IOWA WORKFORCE**

**DEVELOPMENT DEPARTMENT**

~~~~~  
Always use a **required/forced** space to keep certain information together on the same line. To type a **required/forced** space, while holding down the **Ctrl** (control) key and the **Shift** key, depress the space bar. It will show on the monitor as a little circle centered on the line. Get into the habit of always using this function, whether the information is at the end of a line or not. In finaling the decision, the line endings could change.

FOR EXAMPLE: (The information in **bold** type is held together on the same line using the **required/forced** space function.)

February°4, 1999

Dr.°Alan Black

Mary°A. Smith

Mr.°Robert Johnson

Des°Moines, Iowa,

Samuel **Jones,°M.D.**

John **White,°Jr.**

3:30°p.m.

871°IAC 24.32(8)

~~~~~

The same holds true for a **required**/forced hyphen. To type a **required**/forced hyphen, while holding down the **Ctrl** (control) key and the **Shift** key, depress the hyphen key. When referring to law sections and hyphenated words in the body of a decision, you'll want them to stay together on the same line.

*FOR EXAMPLE:* Iowa Code Section **96.5-2-a** ; **02A-UI-01234-ZT**; **co-worker** ; **fact-finding** ; **full-time** ; or **two-week** shutdown.

~~~~~

When typing a series of three or more, which series includes commas, use a semi-colon to offset groups. *FOR EXAMPLE:* John Smith, President; Mary Brown, Vice President; Robert Burns, Treasurer; and Patricia Lovell, Secretary.

When typing a series of two, separate name and title with commas.

~~~~~

The  $\overset{c}{/}\overset{o}{\circ}$  ("in care of" symbol) appears in various forms (e.g.,  $\overset{c}{/}\overset{o}{\circ}$ , %, % , c/o) in decisions received. Because of inconsistencies with the  $\overset{c}{/}\overset{o}{\circ}$ , everyone will be receiving the correct form of this symbol by e-mail from WP. This e-mail will give instructions on how to add this symbol to your auto correct function.

~~~~~

In typing dollar amounts, always use a decimal point and type in the cents, even if there aren't any. *FOR EXAMPLE:* **\$157.48** or **\$847.00**. Always use a comma when referring to thousands of dollars. *FOR EXAMPLE:* **\$3,157.48**.

~~~~~

When designating dates in the body of the decision, spell out the names of months. Do not use numbers to designate the months. Also, do not designate the day of a month by number without using the name of the month.

*FOR EXAMPLE:*

Correct: July 21.

Incorrect: the 21<sup>ST</sup>.

Incorrect: the 21<sup>ST</sup> of July.

And use four digits to designate the year.

However, for the original claim date (OC) in the top portion of the decision, use numbers:

**07/21/02** or **07-21-02**.

Use two digits for the month, day and year.

~~~~~

Most of the well-used citations, such as Cosper, Budding, Davoren, etc., have been stored on the **Q** drive and can be stored in your **AutoText**. After being stored in **AutoText**, simply typing the first four characters of the citation will give the prompt to insert it into the document. When the **insert AutoText** prompt is on the screen, depressing your **Enter** key on the keyboard will insert the law citation into the document and your insertion point (cursor) will go to the end of the information which has been prompted to be inserted into the document. NOTE: The citations are stored with no punctuation after them. Unless it's going to continue in sentence form, please don't forget to add the period.

~~~~~

Never use contractions in a professional document (unless within a quote). *FOR EXAMPLE:*

**Do Not Type:**

isn't

doesn't

he's

aren't

**Instead, Use:**

is not

does not

he is

are not

~~~~~

In typing an overpayment decision when you don't know the amount of the overpayment, type the dollar amount (**shift 4**), then with your mouse, left click on the picture icon for the **text form field** () on the tool bar, followed by a period, comma, or further information in the decision, allowing the word processor finaling the decision to easily get to the point to add the dollar amount. Also, please make sure to use the same function **text form field** () immediately after the first return in the STATEMENT OF THE CASE section and after your initials/ at the end of each decision.

~~~~~

In the body of the decisions, spell out numbers one through ten and use digits for higher numbers, but be consistent throughout a document for related significance.

For the employers' exhibits, either spell out the numbers... Employer's Exhibits°One through°Thirteen, using initial caps or use #'s... Employer's Exhibits°1 through°3.

For the claimants' exhibits, use a **required** space between **Exhibit** and the number or letter. If there are more than one for the claimant, you just need the one **required** space before the first exhibit.

Claimant's Exhibits°A through°G. (The **required** space would be between **Exhibits** and **A**)

~~~~~

Spell out a fraction that stands alone (without a whole number preceding). The numerator and the denominator should be connected by a required/forced hyphen.

FOR EXAMPLE:

one-half

two-thirds

three-fourths

nine-tenths

A compound fraction (a whole number plus a fraction) is written in figures.

3½

7¼

6¾

(It won't condense without first typing a space between the whole number and the "1/2." Then, go back and remove the space so it appears as above.)

When constructing fractions for which special characters are not provided in Word 2000 (such as ½, ¼, ¾, etc.), use the diagonal (/). Separate a whole number from a fraction by means of a **required** space, not with a hyphen.

6 3/8

9 5/18

In the same document, do not mix constructed fractions (7/8, 5/16) with those for which special characters are provided in Word 2000 (½, ¼, ¾).

~~~~~

Use commas to set off Jr. and Sr., but **not** to offset Roman numerals following a person's name (except in the address portion of the decision). Do not spell out Junior and/or Senior. Use a **required** space between the person's last name and Jr. or Sr. and before Roman numerals.

Kelsey°R. Patterson,°Jr.

Christopher°M. Gorman,°Sr.

Benjamin Hart°II

Anthony Jung°III

~~~~~

When referring to page numbers within a document, use Arabic numbering, with a **required** space between the word **page** and the **number of the page**.

~~~~~

Do not use the percent sign. Type the number, followed by a **required/forced** space, followed by the word **“percent”**.

~~~~~

When designating time, always use digits, not the word **“o’clock.”** Use digits to designate minutes, even when there are none. *FOR EXAMPLE: 3:00°p.m. or 10:36°a.m.* Do not simply type **3°p.m.** Also, **a.m.** and **p.m.** are to be in lower case with periods. Remember to use the **required/forced** space function before **a.m.** and **p.m.**

Message: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:04 PM
 Item ID: 40861112
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ **RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw**

From Wise, Steve [IWD] **Date** Thursday, July 11, 2013 10:26 AM
To Benson, Joni [IWD]; Hillary, Teresa [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]
Cc Ziegler, Vanessa [IWD]

Yes, I had agreed to hear this. Please send me the attachment and I can take care of this.

-----Original Message-----

From: Benson, Joni [IWD]
 Sent: Thursday, July 11, 2013 10:22 AM
 To: Hillary, Teresa [IWD]; Timberland, James [IWD]; Walsh, Joseph [IWD]; Wise, Steve [IWD]
 Cc: Ziegler, Vanessa [IWD]
 Subject: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

I do believe that Steve was going to hearing this ... is that right Steve?

-----Original Message-----

From: Hillary, Teresa [IWD]
 Sent: Thursday, July 11, 2013 9:37 AM
 To: Timberland, James [IWD]; Walsh, Joseph [IWD]
 Cc: Benson, Joni [IWD]; Ziegler, Vanessa [IWD]
 Subject: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

I will do them if Joe does not want to. Just let me know Vanessa.

-----Original Message-----

From: Timberland, James [IWD]
 Sent: Thursday, July 11, 2013 9:36 AM
 To: Walsh, Joseph [IWD]
 Cc: Benson, Joni [IWD]; Ziegler, Vanessa [IWD]; Hillary, Teresa [IWD]
 Subject: FW: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

Vanessa,

I have forwarded the CLT's withdraw request to Joe, Teresa, and Joni. I have recused myself from both cases involving that claimant. So Joe, Teresa, or someone else needs to act on the withdrawal request. There are 2 cases involved.

Thanks.

James

-----Original Message-----

From: Ziegler, Vanessa [IWD]

Sent: Thursday, July 11, 2013 9:28 AM

To: Timberland, James [IWD]

Subject: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

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

20130711093111485.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.

Message: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:04 PM
 Item ID: 40861114
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ **RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw**

From Wise, Steve [IWD] **Date** Thursday, July 11, 2013 3:03 PM
To Walsh, Joseph [IWD]; Hillary, Teresa [IWD];
 Timberland, James [IWD]
Cc Benson, Joni [IWD]; Ziegler, Vanessa [IWD]

I've issued the withdrawal decisions for 04203 and 06248.

-----Original Message-----

From: Walsh, Joseph [IWD]
 Sent: Thursday, July 11, 2013 3:01 PM
 To: Hillary, Teresa [IWD]; Timberland, James [IWD]
 Cc: Benson, Joni [IWD]; Ziegler, Vanessa [IWD]; Wise, Steve [IWD]
 Subject: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

This is Steve's case now.

-----Original Message-----

From: Hillary, Teresa [IWD]
 Sent: Thursday, July 11, 2013 9:37 AM
 To: Timberland, James [IWD]; Walsh, Joseph [IWD]
 Cc: Benson, Joni [IWD]; Ziegler, Vanessa [IWD]
 Subject: RE: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

I will do them if Joe does not want to. Just let me know Vanessa.

-----Original Message-----

From: Timberland, James [IWD]
 Sent: Thursday, July 11, 2013 9:36 AM
 To: Walsh, Joseph [IWD]
 Cc: Benson, Joni [IWD]; Ziegler, Vanessa [IWD]; Hillary, Teresa [IWD]
 Subject: FW: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

Vanessa,

I have forwarded the CLT's withdraw request to Joe, Teresa, and Joni. I have recused myself from both cases involving that claimant. So Joe, Teresa, or someone else needs to act on the withdrawal request. There are 2 cases involved.

Thanks.

James

-----Original Message-----

From: Ziegler, Vanessa [IWD]

Sent: Thursday, July 11, 2013 9:28 AM

To: Timberland, James [IWD]

Subject: 04203.jt 6/24 @ 2pm hearing was postponed but clmt wants to withdraw

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

20130711093111485.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.

Message: RE: Lotus Notes id**Case Information:**

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:04 PM
Item ID: 40861116
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Lotus Notes id**

From Wise, Steve [IWD] **Date** Thursday, July 11, 2013
3:50 PM
To Bengtson, Jim [IWD]
Cc Walsh, Joseph [IWD]; Benson, Joni [IWD]; Hillary,
Teresa [IWD]

Jim,

Joan Goode had started collecting all the necessary information set forth in the PID form, but she is out of the office until July 15, 2013. I am not sure how far she had gotten.

So, we are collecting the information from all the ALJs who are interested in accessing Lotus Notes again and plan to submit it ASAP.

My question is when the information is processed are you going to notify us that the accounts have been set up? How will the Lotus Notes ID file be distributed to users?

Thanks
Steve

From: Hillary, Teresa [IWD]
Sent: Wednesday, July 10, 2013 3:22 PM
To: Wise, Steve [IWD]
Subject: FW: Lotus Notes id

I don't know if any alj still has a valid usr id, even though beth still has it on her computer.

From: Hillary, Teresa [IWD]
Sent: Tuesday, July 09, 2013 11:19 AM
To: Walsh, Joseph [IWD]
Cc: Benson, Joni [IWD]
Subject: FW: Lotus Notes id

Joe,

This will need to be done for every ALJ who's account has been deleted.

Thank much
Teresa Hillary

From: Lippert, Annette [IWD]
Sent: Tuesday, July 09, 2013 11:18 AM
To: Hillary, Teresa [IWD]
Subject: Lotus Notes id

Hi Teresa,

Please see Jim's note below. Please have your supervisor send the info to Jim. Thank you!!

Her Notes account has been deleted. I need a new authorization from her supervisor (email will do) and the information in the attached PID form. Jim Bengtson

Annette

Message: RE: CD Request

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:06 PM
Item ID: 40861186
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: CD Request**

From Wise, Steve [IWD] **Date** Monday, July 22, 2013 9:45 PM
To Benson, Joni [IWD]
Cc Anderson, Donnell [IWD]; Hillary, Teresa [IWD]; Lewis, Devon [IWD]

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

Don't see where I was ever asked about this one before. Don't know why anyone thinks the audio file is missing. It is there in the 2012/VS folder, about an hour long, it is audible, and complete. She put an extra I in UI and I fixed it. I assume the request is from one of the parties to the case. Let me know if you need any other help, but I assume Donni will make the CD and send it out as normal.

Steve

From: Benson, Joni [IWD]
Sent: Saturday, July 20, 2013 7:30 AM
To: Wise, Steve [IWD]
Cc: Anderson, Donnell [IWD]
Subject: FW: CD Request

Steve – please address this CD issue. Let Donni and I know what you find out.

From: Hillary, Teresa [IWD]
Sent: Friday, July 19, 2013 3:40 PM
To: Benson, Joni [IWD]
Subject: RE: CD Request

If the eab ruled on it, there would have been a voice file. Get the voice file send it to the cl. she needs to appeal it to the Dist ct. That is all we can do. If you can't find the voice file, have SW look and lets reach out to the EAB to see if they have it.

Thanks much
Teresa Hillary

From: Benson, Joni [IWD]
Sent: Friday, July 19, 2013 3:15 PM
To: Hillary, Teresa [IWD]
Subject: RE: CD Request

The CD request is from the claimant. Was sent in on July 3rd. Yes the EAB ruled on it. I do not know if the CL is going to take it further.

This is one case that Joe was helping on. Maybe Vicki has background on it.

From: Hillary, Teresa [IWD]
Sent: Friday, July 19, 2013 3:11 PM
To: Benson, Joni [IWD]
Subject: FW: CD Request

Is there a CD request from the EAB for VS hearing? Who wants the CD? Did the EAB not rule on this?

From: Lewis, Devon [IWD]
Sent: Friday, July 19, 2013 2:51 PM
To: Hillary, Teresa [IWD]
Subject: RE: CD Request

If the EAB has touched it, it's theirs unless they remand.

From: Hillary, Teresa [IWD]
Sent: Friday, July 19, 2013 2:49 PM
To: Lewis, Devon [IWD]
Subject: FW: CD Request

Now I know why that Ludkte appeal letter was in Joes office. I think the EAB has reviewed this already from my review of NMRO. I think there is nothing more we can do. What do you think?

From: Anderson, Donnell [IWD]
Sent: Friday, July 19, 2013 2:13 PM
To: Benson, Joni [IWD]
Cc: Hillary, Teresa [IWD]
Subject: FW: CD Request

This sound file was missing and Vicki had told me to ask Joe about it because he had reviewed it. He never got back to me...

From: Benson, Joni [IWD]
Sent: Friday, July 05, 2013 3:11 PM
To: Anderson, Donnell [IWD]
Subject: CD Request

12 A UI 14489 OC 11/11/12 REF 01

CLM LUDTKE, MICHELLE, L EMP NEUROLOGY CONSULTANTS PC

HEARING 02/20/13 09:00 AM ALJ VS

Joni K. Benson

Iowa Workforce Development - UI Appeals

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

email: joni.benson@iwd.iowa.gov



Please consider the environment before printing this e-mail.

Message: Accepted: ALJ Steve Wise

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:07 PM
Item ID: 40861205
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **Accepted: ALJ Steve Wise**

From Wise, Steve [IWD] **Date** Wednesday, July 24, 2013 3:42 PM
To Wahlert, Teresa [IWD]
Cc

Message: Tentative: Decision on employer participation at the FF

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:08 PM
Item ID: 40861247
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ Tentative: Decision on employer participation at the FF

From Wise, Steve [IWD] **Date** Tuesday, July 30,
2013 11:05 AM
To Wilkinson, Michael [IWD]
Cc Lewis, Devon [IWD]; Hillary, Teresa [IWD];
Eklund, David [IWD]; West, Ryan [IWD]

Not sure this when thru cuz Outlook restarted. Have a 11:30 hearing. Will call ASAP as it's over. Will try and see if the parties can start early but don't know if it is possible.

Message: RE: October 31 ALJ presentation at Sioux City**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:08 PM
 Item ID: 40861249
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: October 31 ALJ presentation at Sioux City**

From Wise, Steve [IWD]

Date
 Wednesday, July
 31, 2013 9:18 AM

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

Cc

I will volunteer if there are no other takers. If anyone else is interested, I will defer to them.

From: Mormann, Marlon [IWD]

Sent: Wednesday, July 31, 2013 8:50 AM

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

Subject: October 31 ALJ presentation at Sioux City

There is an opportunity to speak at a business group's meeting on October 31.
 Anyone interested please advise.

Marlon Mormann, Administrative Law Judge
515-265-3512

Message: RE: home office telephones**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:08 PM
 Item ID: 40861251
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: home office telephones

From Wise, Steve [IWD] **Date** Wednesday, July 31, 2013 4:47 PM
To Cooper, Renee [IWD]
Cc Bateman, Gary [IWD]; Lewis, Devon [IWD]

Renee,

Just following up on our conversation this week to see if we can get some information from Windstream on the process for making 6-way calls using Windstream's phone service.

Thanks
 Steve

From: Bateman, Gary [IWD]
Sent: Tuesday, July 23, 2013 4:32 PM
To: Mormann, Marlon [IWD]; Lewis, Devon [IWD]; Scheetz, Beth [IWD]; Hendricksmeier, Bonny [IWD]; Wise, Debra [IWD];
 Timberland, James [IWD]; Elder, Julie [IWD]; Donner, Lynette [IWD]; Stephenson, Randall [IWD]; Wise, Steve [IWD];
 Ackerman, Susan [IWD]; Nice, Terence [IWD]; Hillary, Teresa [IWD]; Seeck, Vicki [IWD]
Cc: Cooper, Renee [IWD]
Subject: RE: home office telephones

I've got faith it will work. If this satisfies all your needs, just do it.

From: Mormann, Marlon [IWD]
Sent: Tuesday, July 23, 2013 12:59 PM
To: Lewis, Devon [IWD]; Scheetz, Beth [IWD]; Hendricksmeier, Bonny [IWD]; Wise, Debra [IWD]; Timberland, James [IWD];
 Elder, Julie [IWD]; Donner, Lynette [IWD]; Stephenson, Randall [IWD]; Wise, Steve [IWD]; Ackerman, Susan [IWD]; Nice,
 Terence [IWD]; Hillary, Teresa [IWD]; Seeck, Vicki [IWD]
Cc: Cooper, Renee [IWD]; Bateman, Gary [IWD]
Subject: RE: home office telephones

Before making that move, can we have one ALJ test the system for a few weeks to see if it lives up?

Marlon Mormann, Administrative Law Judge
515-265-3512

From: Lewis, Devon [IWD]

Sent: Tuesday, July 23, 2013 12:12 PM

To: Scheetz, Beth [IWD]; Hendricksmeier, Bonny [IWD]; Wise, Debra [IWD]; Timberland, James [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]; Lewis, Devon [IWD]

Cc: Cooper, Renee [IWD]; Bateman, Gary [IWD]

Subject: home office telephones

Many thanks to Renee Cooper and Gary Bateman for tracking down the information about ALJ home office phone options.

The current phone provider monthly charge per line is \$24.95 and does not offer call forward or frequently needed 6-way calling to more than half of the ALJs, which requires use of the cumbersome and limited ICN conference calling.

Windstream charges \$26.45 per month including 6-way calling for all ALJs, call forward on busy lines, and call trace blocking, if needed. The long distance rate is 2 cents per minute, half that of the ICN.

Unless the Director has an objection, we will move ALJ home office phone service and long distance to Windstream asap. Renee will notify us of how the transition will take place and give us some sort of instruction on how these features operate. Currently, two ALJs have extra features on phones that other ALJs do not. With this switch, all ALJs will have the same service.

I will be on annual from Thursday through August 6. Steve and/or Bonny, will you be available to work on this with Renee while I'm gone?

Devon

Message: FW: Summary**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:08 PM
 Item ID: 40861258
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: Summary**

From Wise, Steve [IWD]

Date
 Thursday,
 August 01, 2013
 12:35 PM

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]; Scheetz, Beth [IWD]; Seeck,
 Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise,
 Debra [IWD]; Wise, Steve [IWD]

Cc

 [SUMMARY OF PROCEDURES.docx](#) (19 Kb HTML)

For people at home with will be the background document for my Agenda topic.

From: Wilkinson, Michael [IWD]
Sent: Wednesday, July 31, 2013 9:05 AM
To: Eklund, David [IWD]; West, Ryan [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Subject: Summary

Attached is a summary of the procedures to follow for the determination of the employer's participation in a fact finding interview and the 15% penalty. Please review and be critical. I would like to use something like this as a guide for training.

SUMMARY OF PROCEDURES

1. Employer participation in fact finding interviews:
 - a. The determination of employer participation in the fact finding interview will occur when the fact finding interviewer issues a favorable decision to the claimant on their separation from work.
 - i. If it is determined by the fact finding interviewer that the employer failed to meet the criteria for participation (as described in the ALJ procedures manual Reference Code 226) a decision will be issued notifying both the employer and claimant that should the separation decision be overturned at appeal, the claimant will not be held responsible for the overpayment, the employers account will be charged.
 - ii. If the fact finding interviewer determines that the employer met their responsibility for participation but will still issue a favorable decision to the claimant, no decision on the issue of the employer's participation will be issued.
 - iii. Both parties have the opportunity to appeal
 - b. If appealed, a copy of the fact finding documents will be mailed to both parties.
 - i. The ALJ will review the file in a hearing and determine if there was adequate participation on the part of the employer.
 - ii. If the issue on the employer's participation is reversed then the account would not be charged if the ALJ also rules in favor of the employer on the separation issue.
 - iii. The claimant will have the right to appeal the issue of the employer's participation to the Employment Appeal Board.
 2. Fifteen percent penalty on fraudulent overpayments.
 - a. On any overpayment determined to be fraudulent, the investigator will apply a 15% penalty to the total overpayment.
 - b. The claimant will be notified at that time of the investigation that a penalty would be applied if the overpayment is fraudulent and again through the determination and decision of the investigator. There will not be a separate decision regarding the 15% penalty; it will be included in the decision of the investigator that determines the overpayment to be fraudulent.
 - c. The penalty cannot be offset against future unemployment insurance benefits but can be collected through state and federal income tax, lottery winnings, and cash payments.
 - d. The overpayment decision can be appealed to DIA. IWD will notify DIA of their desire to participate in each hearing.
-

Message: RE: Julie's Files

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:09 PM
Item ID: 40861260
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: Julie's Files

From Wise, Steve [IWD] **Date** Friday, August 02, 2013 3:54 PM
To Scheetz, Beth [IWD]; Hillary, Teresa [IWD]
Cc Benson, Joni [IWD]; Ackerman, Susan [IWD]

 [image002.png](#) (92 Kb HTML)

On the list below are all the files on Julie's computer that had not been transferred from Folder A and those from her recorder that had not been downloaded or transferred. I have properly renamed and transferred all these files to the R drive folder 2013/E. I actually copied the 11A-UI-16592 and 11A-UI-09765 to both the 2011/E folder and 2013/E folder so that both bases are covered if someone starts looking for the files. Susan and Beth let me know if there are any other files you found that were not renamed and where you found them.

I discovered that 13A-UI-06604-SWT was scheduled for me on September 2 at 2 pm. You see there is already an hour long hearing that Julie didn't finish on 7/15 at 9:30 a.m. Please just leave it scheduled for me and I will handle it, but anyone who has one of these cases assigned to them should know the status of the case.

05193 was started 6/5 and not finished.

03747 was an in-person started on 6/12 and not finished. I show it scheduled for a telephone hearing for Beth on 8/22 at 11 am

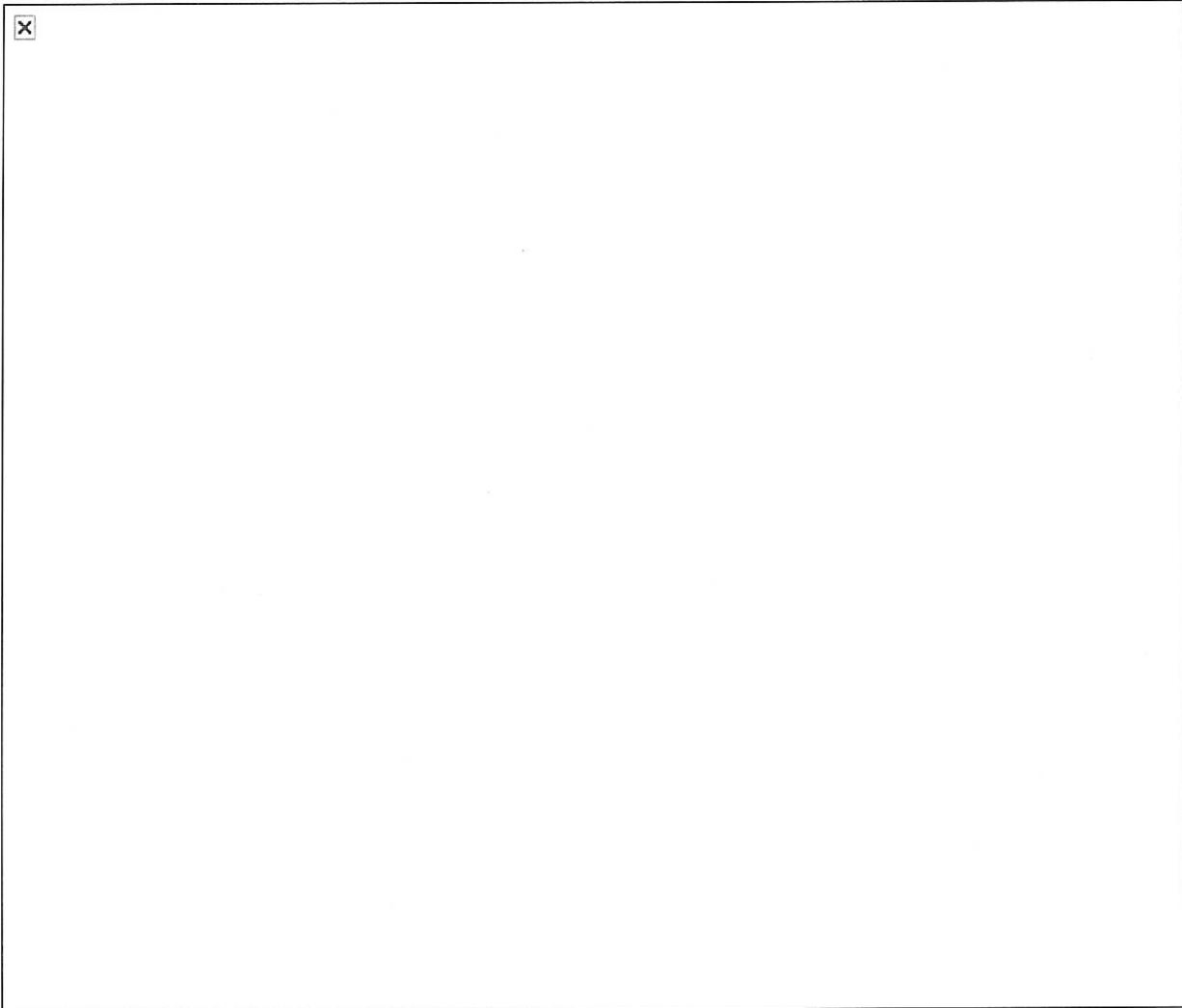
04918 was started on 7/10 and not finished.

The list shows Part 1 and Part 2 hearings for 04930, 4922, and 05193 but no decisions

6594, 06611, 06612, 06614, 06617 are I believe, single completed hearings without decisions

04991, 05292, 03254, 11A-UI-16592, 11A-UI-09765, 05517, 05883+05884, 06598, 06606, 06608, 06610, all say a decision was issued on it.

[Let me know if you have any questions.](#)



From: Scheetz, Beth [IWD]
Sent: Friday, August 02, 2013 2:49 PM
To: Hillary, Teresa [IWD]
Cc: Wise, Steve [IWD]
Subject: Julie's Files

Susan and I have gone through Julie's cases and discovered that most hearings have been held.

For those cases we'll use August 27 and 28, 2013, to listen to the recordings and prepare the decisions.

We'll request time slots from Joni for the few cases that need hearing times.

The Pappas cases (04982 and 04983) are done and on the system.

Steve requested the Burkle cases (04876 and 05187) because he had a case with the same claimant.

We'll hand over the files to him.

We're labeling any recordings that have not been labeled.

Thanks,
Beth and Susan

Message: RE: ALJ Desk Manual**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:09 PM
 Item ID: 40861275
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

RE: ALJ Desk Manual

From Wise, Steve [IWD] **Date** Thursday, August 08, 2013 11:09 AM
To Lewis, Devon [IWD]
Cc

In the Denver Airport. All ALJs have read write access to the R drive.

Steve Wise
 Administrative Law Judge
 515-281-3747

From: Lewis, Devon [IWD]
 Sent: Wednesday, August 07, 2013 2:26 PM
 To: Wise, Steve [IWD]
 Subject: FW: ALJ Desk Manual

Duh, I realized that I don't have access to the Q drive. Should I ask the Director and JoAnne Goode for me to have access to put the Desk Manual on the Q or should we do this some other way? The Director also wants Claims and DIA ALJs to have access to it for reference and training purposes. No urgent need to respond.

Thanks,
 DML

From: Lewis, Devon [IWD]
 Sent: Wednesday, August 07, 2013 9:42 AM
 To: Scheetz, Beth [IWD]; Hendricksmeier, Bonny [IWD]; Wise, Debra [IWD]; Timberland, James [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]; Lewis, Devon [IWD]
 Subject: ALJ Desk Manual

The Director likes the format, content and direction the ALJ Desk Manual is taking but would like to target completion by the end of the year. That means that there will need to be more involvement from all ALJs. I've attached a copy of the Table of Contents and a blank format sheet. I will put all files on the Q drive. Please volunteer for topics not yet started. VS is working on drug testing. There is a section for Plain Language on each topic. When you have a draft of the topic, please put it on the Q drive and let everyone

know so there can be some review, feedback and additions. This is a fluid document so don't worry about saving a partial topic to the Q while you continue to work on it.

Dévon

Message: RE: Summary letter regarding participation**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:10 PM
 Item ID: 40861284
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Summary letter regarding participation**

From Wise, Steve [IWD]

Date Friday, August 09,
2013 12:58 PM

To Eklund, David [IWD]; Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Wilkinson, Michael [IWD]

Cc

 [UIPL_2_12_Chg1_Att.pdf](#) (90 Kb HTML)  [image001.jpg](#) (3 Kb HTML)

This is from the attached [uipl_2_12_acc.pdf](#) p. 3-4.

Employer Notification of Charges

Question: What type of notification must states provide to the employer when the state determines that the employer, or the employer's agent, was at fault for failing to respond timely or adequately to a request for information relating to a claim, which caused an overpayment?

Answer: A state must follow its own law concerning notification of charges to an employer, or its agent. This notice must provide identifying claimant information such as the claimant name, social security number, and the reason(s) for the determination.

I wonder if the summary letter as drafted meets what DOL wants since it does not mention employer charges if an overpayment occurs due to a failure to participate.

Thanks
Steve

From: Eklund, David [IWD]

Sent: Thursday, August 08, 2013 5:51 PM

To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]; Wise, Steve [IWD]; Wilkinson, Michael [IWD]

Subject: Summary letter regarding participation

If we would opt for the fact finder issuing a summary letter regarding the employers failure to participate the verbiage would be close to what is in the attachment.

It would be in the standard ANDS format with the legal reference and appeal rights.

This is a draft....

David Eklund
 Regional Operations Manager
 UI Benefits Services
 Iowa Workforce Development
 Ph: 515/281-5792
 Cell: 515/229-4482
 Fax: 515/281-9033
david eklund@iwd.iowa.gov

titlegraphic

- [Image 1](#)
- [Image 2](#)
- [Image 3](#)
- [Image 4](#)
- [Image 5](#)
- [Image 6](#)

Image 1

Attachment to UIPL 02-12, Change 1

1

Unemployment Compensation (UC) Program Integrity Amendments made by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA)

Questions and Answers

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Image 2

Attachment to UIPL 02-12, Change 1

2

**Unemployment Compensation (UC) Program Integrity
 Amendments made by the Trade Adjustment Assistance Extension Act of 2011
 Questions and Answers**

A.

1. Appeals

Mandatory Penalty Assessment on Fraud Claims/Overpayments

Question: May an individual appeal the mandatory “penalty” on fraud overpayments?

Answer: Yes. While an individual may appeal a penalty assessment, the percentage of the penalty is not an issue on which an appellate authority has any discretion since it is set by Federal law. The individual may, however, raise an issue concerning whether the amount on which the penalty is assessed was correct. Under all state UC laws, individuals may also appeal an overpayment determination, and whether or not it constituted fraud. If the decision changes the overpayment determination from fraud to non-fraud, the mandatory Federal penalty would not be applicable. This requirement applies to any fraud overpayment determination made after October 21, 2013, or earlier if the state enacts legislation with an earlier effective date, as one of the conditions for the state to continue to receive UC administrative grants.

2. Federal UC Programs

Question: Does the requirement that states immediately deposit receipts of the Federally-mandated penalties on fraud overpayments into the unemployment fund of the state apply to the Federal UC programs (i.e., Disaster Unemployment Assistance (DUA); Trade Readjustment Allowances (TRA); UC for Federal Employees (UCFE); UC for ExServicemembers (UCX); Federal Additional Compensation (FAC); and Emergency Unemployment Compensation (EUC))?

Answer: Yes. Although the repayment of the amount of the actual overpayment must be made to the fund from which the payment was made, the penalty mandated under TAAEA must be deposited into the state's account in the Unemployment Trust Fund (UTF) and used for the payment of UC. This is because section 251(b)(1) of the TAAEA requires that the state must "deposit any such penalty received in the same manner as the State ... deposits such penalties under the provisions of State law implementing section 303(a)(11)" of the Social Security Act (SSA).

3. Reporting for Federal UC Programs

Question: Are states required to report the penalty amount on a fraud overpayment for Federal UC claims on the Employment and Training Administration (ETA) 2112, *Unemployment Insurance (UI) Financial Transaction Summary*?

Answer: Yes. States must report any recovered penalty amounts deposited into the state's account in the UTF on line 12 of the ETA 2112 report (OMB No. 1205-0154). Instructions for the completion of the ETA 2112 report are contained in UI Reports Handbook No. 401, Section II-1-1.

Image 3

Attachment to UIPL 02-12, Change 1

3

4. Overpayment Waivers

Question: May the state waive the Federally-mandated penalty?

Answer: No. Section 303(a)(11) of SSA has no provision allowing for a waiver of this penalty. However, if the state has a fraud penalty in its statute greater than the 15 percent Federally-mandated penalty, any amount above the 15 percent may be waived in accordance with the state UC law.

B.

1. Combined Wage Claims (CWC)

Prohibition on Noncharging Due to Employer Fault

a. **Question:** When an out-of-state employer on a CWC is determined to be at fault for failing to respond timely or adequately to a request for information about a claim, how will the paying state notify the transferring state that this (out-of-state) employer must be charged?

Answer: The paying state must transmit a copy of the employer's charge notice to

the transferring state or include notification of the charges in the comments section of the IB-6, Statement of Benefits Paid to Combined-Wage Claimants, sent to the transferring state. We are also exploring other options to facilitate this needed exchange of information between states.

b. Question: What if the separating employer is an out-of-state employer with no base period wages to transfer on a CWC (i.e., the wages are outside of the base period of the CWC), and this employer, or the employer's agent, is determined to be at fault for failing to respond timely or adequately to the agency's request for information relating to a claim?

Answer: The noncharging prohibition applies only when an employer is potentially chargeable. In the example cited above, there would be no charging of benefit payments because the employer is not subject to the paying state's law and is not chargeable under the transferring state's law. If feasible, such employer's account may be "flagged" in the event a later claim for UC is filed and the wages from this separating employer are used in establishing a new claim.

2. Employer Notification of Charges

Question: What type of notification must states provide to the employer when the state determines that the employer, or the employer's agent, was at fault for failing to respond timely or adequately to a request for information relating to a claim, which caused an overpayment?

Answer: A state must follow its own law concerning notification of charges to an employer, or its agent. This notice must provide identifying claimant information such as the claimant name, social security number, and the reason(s) for the determination.

Image 4

Attachment to UIPL 02-12, Change 1

4

3. Employer Appeals

a. Question: In the case of a CWC, if an out-of-state employer from the transferring state (i.e., the state that transfers wages to the paying state) files an appeal about charges from a CWC, which state (the paying state or the transferring state) is responsible for conducting the appeals hearing?

Answer: The employer may appeal the chargeability of the overpaid benefits and the appeal would be heard by the paying state, since the paying state is using the wages and has responsibility under its law to charge or non-charge the employer's account for the CWC.

b. **Question:** May an employer appeal the state's determination that the employer (or its agent) is at fault for failing to respond timely or adequately to the agency's request for information relating to a claim?

Answer: Yes. The employer may appeal the determination by the state that the employer was at fault for "failing to respond... timely and adequately...." However, the remedy, that is, the prohibition on noncharging, is not an issue on which an appellate authority has any discretion since it is set by Federal law. This requirement relates to any overpayment determination made after October 21, 2013, or earlier if the state enacts legislation with an earlier effective date, as one of the conditions for the state to continue to receive administrative grants.

4. Reimbursing Employers

a. **Question:** If a reimbursing employer has been determined to be at fault for failing to respond timely or adequately to a request for information resulting in an overpayment (and this fault was part of a pattern) but the state later recovers the overpayment, may the state apply a credit to the reimbursing employer?

Answer: No, if a pattern has been established the state may not apply a credit to the reimbursing employer.

As with contributory employers, the reimbursing employer may appeal the state's determination that the employer was at fault. If the appellate authority upholds the determination, the appellate authority is required under Federal law to deny the credit to the reimbursing employer. This requirement applies to any overpayment determination made after October 21, 2013, or earlier if the state enacts legislation with an earlier effective date, as one of the conditions for the state to continue to receive administrative grants.

b. **Question:** Are section 501(c)(3) non-profit organizations, governmental agencies, or Indian Tribes that elect to be contributory employers instead of reimbursing employers treated any differently than for-profit employers determined to be at fault for failing to respond timely or adequately to information requests by the agency (resulting in a UC overpayment)?

Answer: No. Employers that "elect" to be treated as contributory employers must be treated the same as all other employers for this purpose, because all employers must be rated over the same time period using the same factor(s) (including noncharging) which bear a direct relation to the employers' experience with unemployment.

Image 5

Attachment to UIPL 02-12, Change 1

5. Pattern of Failing to Respond Timely and Adequately to Requests for Information

Question: If a state decides to adopt a standard that includes a "pattern" of failing to respond timely and adequately to information requests, what period of time does the state need to evaluate?

Answer: Each state must develop its own definition of what it means to establish a pattern of failing to respond timely and adequately to requests for information including the period of time involved.

6. Employer Agents

Question: Is the state's evaluation of an employer's agent failing to respond timely or adequately to the agency's requests related to the agent's overall pattern for all of its client employers or related to each individual client employer the agent represents?

Answer: A state may evaluate the agent's overall pattern, or at its option, the agent's pattern related to each individual client employer that it represents. NOTE: The Department has modified its initial interpretation provided in section 5.D of UIPL No. 02-12. Because the statute does not explicitly require charging of benefits if the agent has a pattern overall and a particular client employer does not have a pattern, we have changed our interpretation to permit states maximum flexibility.

7. Monetary Determinations

Question: The state agency uses an affidavit of earnings/wages submitted by the claimant when the employer does not file a timely contribution report or fails to report the claimant on the contribution report. If it is later determined that the affidavit of wages was incorrect, causing an overpayment, would the prohibition on noncharging be applicable?

Answer: The employer's failure to file a timely contribution report or to include a claimant on a timely filed contribution report, by itself, is not subject to the prohibition on noncharging. However, if, for example, because of a contribution report delinquency, the state agency requests information from an employer (or the employer's agent) and the employer or agent fails to respond timely or adequately to that request, the prohibition on noncharging may apply depending on whether the state law requires a pattern of such failure and whether such pattern has been established.

C.

1. **Question:** Why will the Department of Health and Human Services (HHS), as opposed to the Department, provide guidance to those states that may need state statutory changes to address the expanded scope of individuals reported to the State Directory of New Hires?

Reporting of Rehired Employees to the Directory of New Hires

Answer: The statute makes HHS responsible for determining if statutory changes are required in the state.

Image 6

Attachment to UIPL 02-12, Change 1

6

2. **Question:** Are states permitted to establish a penalty for an employer that fails to report properly or timely to the Directory of New Hires?

Answer: Yes. Section 453A(d) of the SSA (42 U.S.C. 653A(d)) allows states to impose the following penalties for an employer failing to properly or timely report new hires. See below:

(d) Civil money penalties on noncomplying employers—

The State shall have the option to set a State civil money penalty which shall not exceed -

(1) \$25 per failure to meet the requirements of this section with respect to a newly

hired employee; or

(2) \$500 if, under State law, the failure is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a

false or incomplete report.

D.

1. **Question:** What are the consequences if a state fails to implement the mandatory penalty for fraud overpayments?

Consequences for Failure to Implement the Program Integrity Changes

Answer: A state's failure to implement the penalty would be grounds for initiating conformity proceedings to deny certifying the state for grants for the administration of the state UC law until such time as the law conformed to the requirements of Section 303(a)(11), SSA.

2. **Question:** What are the consequences if a state fails to provide that an employer's account will not be relieved of charges relating to a payment from the state unemployment fund as required by Section 3303(f)(1), FUTA?

Answer: A state's failure to prohibit relief from charging would be grounds for initiating proceedings to withhold the certification that permits all contributing employers to take the "additional" credit provided for in Section 3302(b), FUTA. The withholding of certification would remain until such time that the state passes legislation conforming

with Section 3303(f), FUTA.

Message: RE: ALJ Desk Manual**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:09 PM
 Item ID: 40861275
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ **RE: ALJ Desk Manual**

From Wise, Steve [IWD] **Date** Thursday, August 08, 2013 11:09 AM
To Lewis, Devon [IWD]
Cc

In the Denver Airport. All ALJs have read write access to the R drive.

Steve Wise
 Administrative Law Judge
 515-281-3747

From: Lewis, Devon [IWD]
 Sent: Wednesday, August 07, 2013 2:26 PM
 To: Wise, Steve [IWD]
 Subject: FW: ALJ Desk Manual

Duh, I realized that I don't have access to the Q drive. Should I ask the Director and JoAnne Goode for me to have access to put the Desk Manual on the Q or should we do this some other way? The Director also wants Claims and DIA ALJs to have access to it for reference and training purposes. No urgent need to respond.

Thanks,
 DML

From: Lewis, Devon [IWD]
 Sent: Wednesday, August 07, 2013 9:42 AM
 To: Scheetz, Beth [IWD]; Hendricksmeier, Bonny [IWD]; Wise, Debra [IWD]; Timberland, James [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]; Lewis, Devon [IWD]
 Subject: ALJ Desk Manual

The Director likes the format, content and direction the ALJ Desk Manual is taking but would like to target completion by the end of the year. That means that there will need to be more involvement from all ALJs. I've attached a copy of the Table of Contents and a blank format sheet. I will put all files on the Q drive. Please volunteer for topics not yet started. VS is working on drug testing. There is a section for Plain Language on each topic. When you have a draft of the topic, please put it on the Q drive and let everyone

Message: RE: cd's for sealed files**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:12 PM
 Item ID: 40861333
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: cd's for sealed files

From Wise, Steve [IWD] **Date** Tuesday, August 13, 2013 12:54 PM
To Lewis, Devon [IWD]
Cc Anderson, Donnell [IWD]

There is no need to make CD recordings for the sealed files. Here is the email I sent in December.

From: Wise, Steve [IWD]
Sent: Wednesday, December 12, 2012 11:00 AM
To: Walsh, Joseph [IWD]
Cc: 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, Randy [DIA] (Randy.Stephenson@dia.state.ia.us); Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]
Subject: FW: Sealed Files - Confidential Audio Files

This is a follow up to the email Joe sent out in October about handling sealed files. Joe has approved a new process for confidential audio files.

The original process was to not to keep the confidential audio file on the R drive. Instead, an audio CD of the recording was made and kept with the sealed file. Not sure if this is being followed 100 percent but that was the process.

Joe has approved setting up a folder on the R drive labeled Confidential Audio Files. When an ALJ has a confidential audio recording, it should be handled in the normal way by copying it to your C folder in the Olympus Software, then moving the file from the A folder to your 2012 (or 2013, etc. in the future) folder. Then notify me of the transfer of the file including the file name. I will move it to the Confidential Audio Files folder. The folder itself will be password protected with Joe, Joni and myself

having the password unless Joe decides others need it.

I know that Beth and Bonny both have confidential recordings to transfer. If there are others let me know. If you have any questions, contact me.

Steve

From: Lewis, Devon [IWD]
Sent: Tuesday, August 13, 2013 12:48 PM
To: Wise, Steve [IWD]
Cc: Anderson, Donnell [IWD]
Subject: FW: cd's for sealed files

Steve,
Is this something you would be able to advise Donni about?
Thanks,
Devon

 BE GREEN – Please consider the environment before printing this e-mail.

From: Anderson, Donnell [IWD]
Sent: Monday, August 05, 2013 2:23 PM
To: Lewis, Devon [IWD]
Subject: cd's for sealed files

Devon,

These directions say to seal a CD recording of each hearing in the sealed files. This is not the way I have been doing it (I have been doing other things wrongly and am going back and fixing that now), however I noticed these directions are to Peggy and presumably a few years old. I noticed that on the R-drive, going back to 2012 confidential audio recordings have been kept in a separate folder on the r-drive. This would make the cd's redundant since there is already a secure place for audio recordings to be saved besides an ALJ's regular folder. For now, I am not going to make CDs unless I hear otherwise from you. Let me know if this is something I should have brought up with a different lead worker.

-Donni

Message: RE: "5 Minute Rule"**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: 40861051
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

RE: "5 Minute Rule"

From Wise, Steve [IWD]

Date
 Tuesday, June
 25, 2013 4:43
 PM

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

Cc Scott, Cheryll [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Have not responded before, but I pretty much do what Lynette sets forth here and agree with her comments but would emphasize there is no "5 Minute Rule" and it should not be defined or mentioned that way. It's an instruction given to parties who call in to provide their telephone number as a backup measure in case the call is not logged into the system.

From: Donner, Lynette [IWD]

Sent: Tuesday, June 25, 2013 4:27 PM

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

Cc: Scott, Cheryll [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: RE: "5 Minute Rule"

Ten minute "rule" – regarding whether the record is closed:

With reference specifically to where the appellant has not called in or is not available and the respondent has called in, I have done as Vicki has described below, or I have waited until right at five after to call the respondent, then keep them on the line as I pull up and review the available information, then explain their options and the future actions if the appellant later calls in, basically keeping them on the line until about ten after.

IMO, if I actually start and conduct a formal hearing without one of the parties, the “ten-minute” rule is moot – in the rare event I should actually complete such a hearing before the ten minute mark, I would still consider the record closed, and then the question is still whether the non-participating party can show good cause to reopen the record. Granted, if one of the parties has not called in and I am going to go ahead with a full hearing regardless, I would most likely not even be starting that hearing until about the five-minute mark, so it would be virtually impossible to be done by the ten-minute mark.

All late calls should be taken by the ALJ and a recording made so that the party’s stated reasons for non-participation can be recorded.

Five minute “rule” – regarding parties who have not gotten their call from the ALJ:

I agree that it would be fine to put a very brief reference to the control number on the hearing notice, but from having participated in hearing notice redrafts in the past, we have very little maneuverability on space, and we don’t want to try to cram so much detail on the notice and make it so small print so that people cannot read it easily. We’ve already lost more important instructions we had added to the hearing notice because of IT/printing limitations, such as the red lined box around the call-in instructions, and the warning to read the instructions that was typed in bold along the right margin.

Something short and to the point might be feasible, such as “When you call the Appeals Section as directed, you will be given a three-digit ‘control number’ and will be given further instructions.”

I could see more possibility of expanding on those instructions in a web-based or flyer information guide.

From: Seeck, Vicki [IWD]

Sent: Monday, June 24, 2013 9:28 AM

To: Stephenson, Randall [IWD]; Benson, Joni [IWD]; Walsh, Joseph [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]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: RE: "5 Minute Rule"

I wait ten minutes whether a party has called in or not. I do this to accommodate the five minute rule and to give five extra minutes in case the lines are busy. If the respondent has called in and the appellant has not, I tell them I will call them back at 8:40 a.m. or whatever the ten minutes is and explain their options. If the appellant has called in but the respondent has not, I start the hearing and allow the respondent to participate in the hearing if it is not completed. I have not had a single complaint about this procedure from anyone, at least that I know of. But I will do whatever the consensus is and welcome any comments you have.

Vicki

From: Stephenson, Randall [IWD]

Sent: Friday, June 21, 2013 3:41 PM

To: Benson, Joni [IWD]; Walsh, Joseph [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]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: RE: "5 Minute Rule"

I differentiate where a party has called in with a number/name versus a no pre-hearing call. I like the additional hearing notice instruction because I believe it will help cut-down on EAB remands. If a party has called in pre-hearing I make a reasonable effort to reach them at the number provided. Five minutes and began the hearing. This allows the party the five minutes plus hearing time to call in before the close of the record and participate.

If the party has not called in pre-hearing, I go forward with hearing and that party must call in before the close of the

record for it to be re-opened based on good cause.

From: Benson, Joni [IWD]

Sent: Friday, June 21, 2013 10:25 AM

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

Cc: Scott, Cheryll [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: RE: "5 Minute Rule"

This is my suggestion -

From: Walsh, Joseph [IWD]

Sent: Friday, June 21, 2013 10:16 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]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Cc: Scott, Cheryll [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: "5 Minute Rule"

I want to come to some consensus at our next meeting on the 5 minute "rule." I think we need information about this "rule" on our website and perhaps even the hearing notice. I have attached a draft of the five minute rule. What is missing at this point is telling the person exactly when the ability to reopen the record (except for good cause) ends. Do we close record at 10 after 15 after? What is reasonable given circumstances. Everyone who wants to weigh in on this issue must do so before next meeting.

Joseph L. Walsh

Chief Administrative Law Judge
Unemployment Insurance Appeals
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: (515) 281-8119
joseph.walsh@iwd.iowa.gov

Message: RE: "5 Minute Rule"**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: 40861031
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: "5 Minute Rule"

From	Lewis, Devon [IWD]	Date
		Friday, June 21, 2013 2:57 PM
To	Hillary, Teresa [IWD]; Walsh, Joseph [IWD]; Ackerman, Susan [IWD]; Donner, Lynette [IWD]; Elder, Julie [IWD]; Hendricksmeier, Bonny [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	Scott, Cheryll [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]	

I think Tere's statement accurately reflects our process that is in place primarily in case an ALJ is running late or has problems with the APLT number. As a secondary measure, it allows procrastinators a few minutes to realize they have not followed the hearing notice instructions and respond with some time leeway in case they cannot get through to a clerk immediately. I agree that we do not need to advertise it on the hearing notice as long as every ALJ applies the process consistently and treats all parties and representatives the same. The hearing notice, sent several days in advance of the hearing, instructs parties to call in immediately when they receive the hearing notice. This would conflict with that instruction and simply give parties/ reps an excuse to procrastinate if we tell them we will give them an extra five minutes. The clerks tell parties who call in to give APLT info to call within five minutes of the hearing start time if they don't hear from us. This is a tool used to give parties guidance who have already called in with APLT info, not for those who have not bothered to call in until after the hearing start time. They do not need more clutter to wade through in the instructions and other info contained on the hearing notice. Most do not bother reading beyond the info in the box

anyway. I see this as resulting in more confusion.

From: Hillary, Teresa [IWD]

Sent: Friday, June 21, 2013 11:36 AM

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

Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: RE: "5 Minute Rule"

I just want to make sure I understand the "five minute rule" and the "ten minute rule" The 5 rule is what the clerks tell the participants when they call in to provide their names and phone numbers for the hearing. As an alj I wait 10 minutes after the start time of the hearing before I close the record if the appealing party was not available to begin the hearing. I think we (alj's) should all wait the same amount of time before closing the record so that no matter who the alj is, each participant is getting treated the same way.

If someone calls in late, then I think the alj needs to make a recording of why the participant was not available to participate when called to begin the hearing. In my review of decn from the EAB they routinely note that there was "no recording of a late call" If an alj does not make a recording of the 'late call' and then rule either for or against reopening the record, the EAB is remanding for a new hearing.

My concern with adding so much information to the hearing notice is that there is so much there, no one reads the important information. By barraging the parties with such a crammed full of written material hearing notice, everything gets lost.

From: Walsh, Joseph [IWD]

Sent: Friday, June 21, 2013 10:16 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]; Scheetz, Beth [IWD]; Seeck, Vicki [IWD]; Stephenson, Randall [IWD]; Timberland, James [IWD]; Wise, Debra [IWD]; Wise, Steve [IWD]

Cc: Scott, Cheryl [IWD]; Shroyer, Paula [IWD]; Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]

Subject: "5 Minute Rule"

I want to come to some consensus at our next meeting on the 5 minute "rule." I think we need information about this "rule" on our website and perhaps even the hearing notice. I have attached a draft of the five minute rule. What is missing at this point is telling the person exactly when the ability to reopen the record (except for good cause) ends. Do we close record at 10 after 15 after? What is reasonable given circumstances. Everyone who wants to weigh in on this issue must do so before next meeting.

Joseph L. Walsh

Chief Administrative Law Judge

Unemployment Insurance Appeals
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: (515) 281-8119
joseph.walsh@iwd.iowa.gov

Message: RE: Devon Lewis Laptop Reimage

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:13 PM
Item ID: 40861369
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Devon Lewis Laptop Reimage**

From Wise, Steve [IWD] **Date** Friday, August 16, 2013 4:38 PM
To Siefkas, William [IWD]
Cc Lewis, Devon [IWD]

Devon will need to make sure that everything she needs from her computer shell decisions, etc. has been backed up to the U drive. If Devon has any Word auto text or macros that he uses, she will need to copy the normal.dotm from C:\Users\dlewis\AppData\Roaming\Microsoft\Templates and paste it to her U drive. She will need to make sure all the audio files are transferred to the network folder.

She needs:

Office 2010

Microsoft Lync

TN3270

Cisco VPN client

Cisco AnyConnect VPN Client

Might as well install VMWare Virtual Machine client too.

Lotus Notes (not sure the whole program needs to be installed). A shortcut on her desktop to

"[\\wdad05In\Shared_Apps\Lotus Notes\Lotus Notes 6.5.exe](#)" is probably all she needs.

Make sure both Devon and I are added to the encryption for the machine.

I walked Annette through the installation of the Olympus software when Randy's computer was reimaged. She has the disk and did some documentation on the install as it does not play nicely with the current Windows 7 image. If necessary, I can help.

It also will be necessary to install the software for the USB Docking Station and HP LaserJet Professional CP1020 Series that is in the ALJ rotation office. That works better if it is done in the office where the hardware is located. I have the software for the USB docking station. Just let me know when you need it. Last couple of times the basic driver software from HP website would not

install properly—just get an error message, but plug and play worked.

She should make sure she logs in and check everything out in the office before taking the computer home.

Map to R drive—\\iwdna1a\common\ui_appeals_audio_recordings

Map to Q drive—\\iwdna1a\common\appeals (I realize that she will have to logon to do this)

Let me know if you have any questions.

Steve

From: Siefkas, William [IWD]
Sent: Thursday, August 15, 2013 8:29 AM
To: Wise, Steve [IWD]
Subject: FW: Devon Lewis Laptop Reimage

Steve,
What special software will Devon's laptop need when it is re-imaged.

William B. Siefkas

IT Spec 3

Help Desk/ Asst with SUN Sysadmin

(515) 281 – 3758 local

Or (800) 397 – 3431 long distance

From: Lewis, Devon [IWD]
Sent: Thursday, August 15, 2013 8:17 AM
To: Siefkas, William [IWD]
Subject: RE: Devon Lewis Laptop Reimage

WDL03333

HP 6730b

From: Siefkas, William [IWD]
Sent: Wednesday, August 14, 2013 2:03 PM
To: Lewis, Devon [IWD]
Cc: Wise, Steve [IWD]
Subject: RE: Devon Lewis Laptop Reimage

Devon,
Can you give me the laptop name and model number so we can create a ticket for it for you to attach to it?

Thanks,

William B. Siefkas

IT Spec 3

Help Desk/ Asst with SUN Sysadmin

(515) 281 – 3758 local

Or (800) 397 – 3431 long distance

From: Lewis, Devon [IWD]
Sent: Wednesday, August 14, 2013 1:15 PM
To: Siefkas, William [IWD]
Cc: Wise, Steve [IWD]
Subject: RE: Devon Lewis Laptop Reimage

I will be on annual leave from Aug 26 through September 3 and will leave my laptop with you then. Steve will let you know what stuff needs to be reimaged on it.

Thanks!

Devon



BE GREEN – Please consider the environment before printing this e-mail.

From: Siefkas, William [IWD]
Sent: Friday, August 09, 2013 12:46 PM
To: Lewis, Devon [IWD]
Cc: Moen, Martin [IWD]; Carter, Nick [IWD]; IWD-HelpDesk
Subject: FW: Devon Lewis Laptop Reimage

Devon,

What is your laptop name?

Is there any special software you use? (Comes with MS Office Suite, Lotus Notes, TN3270, Lync and Vmware View Client, iwdstaff2 wireless)

As to the turnaround time, you will need to discuss that with Martin Moen.

Thanks,

William B. Siefkas

IT Spec 3

Help Desk/ Asst with SUN Sysadmin

(515) 281 – 3758 local

Or (800) 397 – 3431 long distance

From: Carter, Nick [IWD]
Sent: Friday, August 09, 2013 10:48 AM
To: IWD-HelpDesk
Cc: Carter, Nick [IWD]
Subject: Devon Lewis Laptop Reimage

Devon Lewis' laptop has been having the same type of issues as Randy Stephenson's. I would like for her to have it re-imaged. She will be in the office next Thursday and was wondering if it could be re-

imaged that day. Can you get it re-imaged that day for her? Please let me know.

Thanks,
Nick Carter
IWD Network Team Lead
Nick.carter@iwd.iowa.gov
Office: 515-281-3178
Mobile: 515-720-8109

Message: RE: 05823.sw er called in about decision**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:13 PM
 Item ID: 40861386
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: 05823.sw er called in about decision**

From Wise, Steve [IWD] **Date** Monday, August 19, 2013
 4:24 PM
To Anderson, Donnell [IWD]; Hillary,
 Teresa [IWD]
Cc

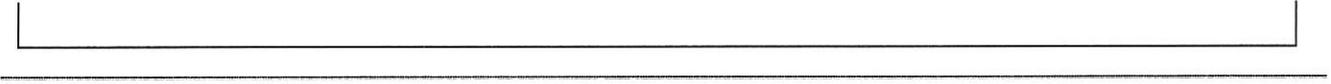
[This was done two weeks ago. Believed I'd sent it in. Sending it now.](#)

From: Anderson, Donnell [IWD]
Sent: Monday, August 19, 2013 9:29 AM
To: Wise, Steve [IWD]; Anderson, Donnell [IWD]; Hillary, Teresa [IWD]
Subject: 05823.sw er called in about decision

APPEAL#: 13 A UI 05823 SSN: 
 HEARING: 08/01/2013 11:30 AM ALJ: SW

CLAIMANT - SCREEN 1:
 FISHER, DAVID, L 224 641 660 9875

EMPLOYER - SCREEN 1:
 BIG & SMALL INC 000 000 0000
 DAVID MILLER 244 641 342 4976



Message: FW: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:43 PM
 Item ID: 40862011
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 9:01:41 AM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

✉ FW: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

From Wilkinson, Michael [IWD] **Date** Monday, March 03, 2014 12:10 PM
To Boten, Brenda [IWD]; Eklund, David [IWD]; West, Ryan [IWD]
Cc

Do we have temps that are not very busy? I can use them in scanning.

From: Hillary, Teresa [IWD]
Sent: Monday, March 03, 2014 11:20 AM
To: Wilkinson, Michael [IWD]
Cc: Wahlert, Teresa [IWD]; Timberland, James [IWD]
Subject: FW: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Mike,

How goes the scanning backlog. As you can see below, appeals continue to have have ALJs who cannot hear and decide a case due to missing documents. Can you give me any ETA on scanning catch up so I can pass that information on the ALJs?

Thank you,
Teresa H

From: Timberland, James [IWD]
Sent: Monday, March 03, 2014 11:18 AM
To: Benson, Joni [IWD]
Cc: Hillary, Teresa [IWD]
Subject: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Joni,

Please reschedule and send new notice. The 30-day deadline is 3/13/14. The 45-day deadline is 3/28/14.

These cases were set for 11 and 11:05 today.

The need for the reschedule is based exclusively on the backlog in scanning supporting documents onto the agency's server. The issue in the first case deductibility of vacation pay. I cannot decide that type of case without the supp docs, since the info the employer provided at the lower level, and timeliness of that information, are factors the law requires me to consider when deciding the case. The second case is the related overpayment. The outcome of the second case hinges on what happens with the first.

Thanks.

James

Message: RE: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:43 PM
 Item ID: 40862012
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 9:01:41 AM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

 **RE: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt**

From Wilkinson, Michael [IWD] **Date** Monday, March 03, 2014 12:49 PM
To West, Ryan [IWD]; Boten, Brenda [IWD]; Eklund, David [IWD]
Cc

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

Tomorrow morning; 9:30; my office.

From: West, Ryan [IWD]
Sent: Monday, March 03, 2014 12:42 PM
To: Wilkinson, Michael [IWD]; Boten, Brenda [IWD]; Eklund, David [IWD]
Subject: RE: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

I think we could send two up there. When and where?

Ryan West
Regional Operations Manager
Phone (515) 725-3732
Fax (515) 281-9321

 Description:
 titlegraphic

From: Wilkinson, Michael [IWD]
Sent: Monday, March 03, 2014 12:10 PM
To: Boten, Brenda [IWD]; Eklund, David [IWD]; West, Ryan [IWD]
Subject: FW: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Do we have temps that are not very busy? I can use them in scanning.

From: Hillary, Teresa [IWD]
Sent: Monday, March 03, 2014 11:20 AM
To: Wilkinson, Michael [IWD]
Cc: Wahlert, Teresa [IWD]; Timberland, James [IWD]

Subject: FW: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Mike,

How goes the scanning backlog. As you can see below, appeals continue to have have ALJs who cannot hear and decide a case due to missing documents. Can you give me any ETA on scanning catch up so I can pass that information on the ALJs?

Thank you,
Teresa H

From: Timberland, James [IWD]

Sent: Monday, March 03, 2014 11:18 AM

To: Benson, Joni [IWD]

Cc: Hillary, Teresa [IWD]

Subject: PPN of vacation pay & overpayment cases due to scanning backlog, re CLT Trevor Bulten, #01505 & 01506.jt

Joni,

Please reschedule and send new notice. The 30-day deadline is 3/13/14. The 45-day deadline is 3/28/14.

These cases were set for 11 and 11:05 today.

The need for the reschedule is based exclusively on the backlog in scanning supporting documents onto the agency's server. The issue in the first case deductibility of vacation pay. I cannot decide that type of case without the supp docs, since the info the employer provided at the lower level, and timeliness of that information, are factors the law requires me to consider when deciding the case. The second case is the related overpayment. The outcome of the second case hinges on what happens with the first.

Thanks.

James

Message: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:10 PM
Item ID: 40861288
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

From Hillary, Teresa [IWD] **Date** Sunday, August 11, 2013 2:29 PM
To Lewis, Devon [IWD]
Cc

Again, thanks much

From: Lewis, Devon [IWD]
Sent: Tuesday, August 06, 2013 3:57 PM
To: 'David E. Brown'
Cc: Hillary, Teresa [IWD]
Subject: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

Judge Hillary will handle that request at the time of the prehearing conference. Be prepared to provide conflicts or available dates in the third week of September.

DML

From: David E. Brown [<mailto:dbrown@hbmlaw.com>]
Sent: Tuesday, August 06, 2013 3:35 PM
To: Lewis, Devon [IWD]
Subject: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

ALJ Lewis:

If the prehearing conference cannot be held prior to the currently scheduled hearing on August 12th, I request that the hearing be continued to a new date after the prehearing conference is held on August 12th.

David Brown

From: Lewis, Devon [IWD] [<mailto:Devon.Lewis@iwd.iowa.gov>]
Sent: Tuesday, August 06, 2013 3:21 PM
To: David E. Brown
Cc: Benson, Joni [IWD]; Hillary, Teresa [IWD]
Subject: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

Mr. Brown,
Judge Hillary is out of the office this week so I am handing her correspondence. We generally hold prehearing conferences at the time the hearing is scheduled. If the hearing can be held or started after the prehearing conference is complete, we do that. Otherwise the hearing is scheduled for another date and time. We are fully scheduled up to and beyond the current hearing date so do not have earlier time available for a prehearing conference before then.

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

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Message: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:10 PM
 Item ID: 40861289
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am**

From Hillary, Teresa [IWD] **Date** Sunday, August 11, 2013 2:37 PM
To Lewis, Devon [IWD]
Cc

This is gonna be a doozy

From: Lewis, Devon [IWD]
Sent: Wednesday, August 07, 2013 1:29 PM
To: Hillary, Teresa [IWD]
Subject: FW: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

From: David E. Brown [<mailto:dbrown@hhbmlaw.com>]
Sent: Wednesday, August 07, 2013 12:24 PM
To: Lewis, Devon [IWD]
Subject: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

ALJ Lewis, Thanks. As further grounds for continuing and resetting the hearing, I have learned that a key witness, Dr. Jeff Jaeger, who was the treating psychologist for my client, may not be available to testify on August 12th.

David Brown

From: Lewis, Devon [IWD] [<mailto:Devon.Lewis@iwd.iowa.gov>]
Sent: Tuesday, August 06, 2013 3:57 PM
To: David E. Brown
Cc: Hillary, Teresa [IWD]

Subject: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

Judge Hillary will handle that request at the time of the prehearing conference. Be prepared to provide conflicts or available dates in the third week of September.
DML

From: David E. Brown [<mailto:dbrown@hbmblaw.com>]
Sent: Tuesday, August 06, 2013 3:35 PM
To: Lewis, Devon [IWD]
Subject: RE: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

ALJ Lewis:

If the prehearing conference cannot be held prior to the currently scheduled hearing on August 12th, I request that the hearing be continued to a new date after the prehearing conference is held on August 12th.

David Brown

From: Lewis, Devon [IWD] [<mailto:Devon.Lewis@iwd.iowa.gov>]
Sent: Tuesday, August 06, 2013 3:21 PM
To: David E. Brown
Cc: Benson, Joni [IWD]; Hillary, Teresa [IWD]
Subject: pre-hrg conf 07382.H2 Fry 8/12/13 @ 10 am

Mr. Brown,
Judge Hillary is out of the office this week so I am handing her correspondence. We generally hold prehearing conferences at the time the hearing is scheduled. If the hearing can be held or started after the prehearing conference is complete, we do that. Otherwise the hearing is scheduled for another date and time. We are fully scheduled up to and beyond the current hearing date so do not have earlier time available for a prehearing conference before then.

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

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Message: FW: Notices**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:10 PM
 Item ID: 40861290
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ FW: Notices

From	Hillary, Teresa [IWD]	Date Sunday, August 11, 2013 2:45 PM
To	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]; Wise, Debra [IWD]; Wise, Steve [IWD]	
Cc	Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Benson, Joni [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]	

 **image001.gif** (12 Kb HTML)

I'm not sure you've all been told this, so I wanted to let you know that last week there was a problem with some of the notices printing. The notices were NOT sent out on the mail date as indicated on the notice. When this happens in the future I want Joni to be the person who deals with getting the notices that may be late dealt with. So if you are one of the clerks who finds out that notices did not print, I need you to let me and Joni know. You should not have a problem sending an e-mail for such a work related issue.

ALJs the EAB will regularly and routinely remand for a new hearing any case where the claimant indicates that they did not receive their hearing notice in time to participate in the hearing. Just be mindful of that when you make the decn on whether to reopen the record or not.

From: Benson, Joni [IWD]
Sent: Wednesday, August 07, 2013 3:13 PM
To: Alexander, Marty [IWD]; Anderson, Donnell [IWD]; Baughman, Myra [IWD]; Oatts, Sandra [IWD]; Ziegler, Vanessa [IWD]
Cc: Hillary, Teresa [IWD]; Lewis, Devon [IWD]
Subject: Notices

Donni had a call from a claimant that did not get his notice for his upcoming hearing It was one of those that did not print on Monday. It was scheduled on August 2nd (Friday) we may be getting a lot of these calls. Just remember that they mailed on the 6th so they probably won't get them until the 8th or 9th.

Joni K. Benson

Iowa Workforce Development – UI Appeals
1000 E. Grand
Des Moines IA 50319
Phone: 515.281.8484
FAX: 515.242.5144
joni.benson@iwd.iowa.gov



BE GREEN – Please consider the environment before printing this e-mail.

Message: RE: Joe Walsh ECI presentations

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:10 PM
Item ID: 40861291
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Joe Walsh ECI presentations**

From Hillary, Teresa [IWD] **Date** Sunday, August 11, 2013
2:58 PM
To Lewis, Devon [IWD]; Benson, Joni
[IWD]
Cc Wise, Steve [IWD]

 [image001.jpg](#) (3 Kb HTML)  [image002.jpg](#) (4 Kb HTML)

I think they're talking about the Dan outline that should be on the q drive. We found it with Joe's names as the person who prepared it. It's just a copy of Dan's outline that probably hasn't been updated in years. We should insure that the new OP issue is included for ER's and CI. We should insure that that it is in accord with the 'desk manual.' We want to make sure that we are not giving out old case cites that are not good law. You just know a party will cite it and bring in the outline and some alj will deliver the bad news.

Devon can this be added to the list of "topics" Personally I think LD would be a great person to work on this. She is detail oriented and she does keep up with new cases and cites them in her own decn. I know that VS is working on drug testing, she should have access to all the ground work that LD did on 503 and the DOT rules.

Teresa K. Hillary

Iowa Workforce Development
1000 E Grand Avenue
Des Moines IA 50319

Phone: 515.725.2683

FAX: 515.242.5144

From: Lewis, Devon [IWD]
Sent: Thursday, August 08, 2013 12:39 PM
To: Benson, Joni [IWD]; Hillary, Teresa [IWD]
Subject: RE: Joe Walsh ECI presentations

Not that I specifically recall. I have a disc of powerpoint presentations but it looks like it's about internal stuff about safety, etc.

From: Benson, Joni [IWD]
Sent: Thursday, August 08, 2013 12:24 PM
To: Lewis, Devon [IWD]; Hillary, Teresa [IWD]
Subject: RE: Joe Walsh ECI presentations

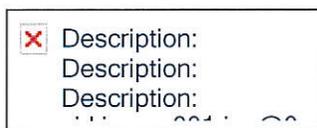
I do believe that there was some of that information in Joe's things. Do you remember that Teresa/Devon?

From: Adams, Lori [IWD]
Sent: Thursday, August 08, 2013 12:12 PM
To: Lewis, Devon [IWD]; Benson, Joni [IWD]; Wise, Steve [IWD]; Hillary, Teresa [IWD]
Cc: Morgan, Carol [IWD]; Nice, Terence [IWD]
Subject: FW: Joe Walsh ECI presentations

See request below from Carol on behalf of Terry. Does anyone have Joe's presentation materials?

Lori Adams, CPM

Division Administrator/Workforce Services
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, IA 50319
Phone: (515) 281-9322
Cell: (515) 418-5058
Email: lori.adams@iwd.iowa.gov



Please consider the environment before printing this e-mail.

From: Morgan, Carol [IWD]
Sent: Thursday, August 08, 2013 12:11 PM
To: Adams, Lori [IWD]
Subject: RE: Joe Walsh ECI presentations

Terry has requested copies of Joe's presentation if someone does have that?

Carol Morgan PHR | Business Marketing/Employer Relations
 IowaWORKS Loess Hills | 300 West Broadway, STE 13, Council Bluffs, IA 51503
 p (712) 242.2131 | f (712) 242.2148
carol.morgan@iwd.iowa.gov | www.iowaworkforce.org

 Description: IowaWorks logo - LH copy

From: Adams, Lori [IWD]
Sent: Thursday, August 08, 2013 8:21 AM
To: Morgan, Carol [IWD]
Subject: RE: Joe Walsh ECI presentations

Thanks Carol. Terry will do a great job.

Lori Adams, CPM
 Division Administrator/Workforce Services
 Iowa Workforce Development
 1000 East Grand Avenue
 Des Moines, IA 50319
 Phone: (515) 281-9322
 Cell: (515) 418-5058
 Email: lori.adams@iwd.iowa.gov

 Description:
 Description:
 Description:



From: Morgan, Carol [IWD]
Sent: Thursday, August 08, 2013 8:15 AM
To: Adams, Lori [IWD]
Subject: RE: Joe Walsh ECI presentations

Yes I do but have found a substitute.

Joe was scheduled to do his presentation on Oct 9th here in CB and Terry Nice, the ALJ here in CB has agreed to do the presentation.

Carol Morgan PHR | Business Marketing/Employer Relations
 IowaWORKS Loess Hills | 300 West Broadway, STE 13, Council Bluffs, IA 51503
 p (712) 242.2131 | f (712) 242.2148
carol.morgan@iwd.iowa.gov | www.iowaworkforce.org

 Description: IowaWorks logo - LH copy

From: Adams, Lori [IWD]

Sent: Thursday, August 08, 2013 7:45 AM

To: Murray, Peggy [IWD]; Andrade, Jennifer [IWD]; Becker, Robert [IWD]; Nelson-Schoon, Catherine [IWD]; Sanchez, Arturo [IWD]; Hodges-Harmon, Debra [IWD]; Vaughn, Sherri [IWD]; Rempfer, Doug [IWD]; Holloway, Mark [IWD]; Mather, Scott [IWD]; Immerfall, Craig [IWD]; Jones, Marlys [IWD]; Stevens, Corey [IWD]; Murad, Jonathan [IWD]; Morgan, Carol [IWD]; Waigand, Elizabeth [IWD]; Noe, Brenda [IWD]; Fox, Debra [IWD]

Subject: Joe Walsh ECI presentations

Did any of you have a presentation on UI appeals scheduled with Joe Walsh through ECI in your regions yet this year? The director needs to know so she can make alternate arrangements for you. Just send me the location, date, time and topic he agreed to as soon as possible. Thanks!

Lori Adams, CPM

Division Administrator/Workforce Services
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, IA 50319
Phone: (515) 281-9322
Cell: (515) 418-5058
Email: lori.adams@iwd.iowa.gov

 Description:
Description:
Description:
... ..



Please consider the environment before printing this e-mail.

Message: RE: 04876.ET & 05187.ET**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:16 PM
 Item ID: 40861514
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: 04876.ET & 05187.ET

From Wise, Steve [IWD]

Date Friday, August
30, 2013 5:27 PM

To Hillary, Teresa [IWD]; Benson, Joni [IWD];
Lewis, Devon [IWD]; Nwizu, Hyginus [IWD]

Cc

 **image001.gif** (12 Kb HTML)

I agree that as long as we're able to track the cases, it doesn't matter "who gets credit for the case." I'd assumed it was possible to change the ALJ after the date of the hearing and that had already been done for some of Julie's cases already, which was why asked. Good to know for the future.

From: Hillary, Teresa [IWD]

Sent: Friday, August 30, 2013 4:17 PM

To: Nwizu, Hyginus [IWD]; Benson, Joni [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]

Cc: Budrevich, Steven [IWD]; Thielman, Richard [IWD]

Subject: RE: 04876.ET & 05187.ET

I would say that we should table this right now, and just have the alj changed on aplg, that way the old case list will print correctly. No alj will ever be punished for taking another aljs hearing. We will catch up soon, and this will become a moot problem. Let's focus on other more important IT project now, like the hearing notice issues. I think we should focus our IT efforts on setting up the e-mail address for appeals and exhibits as well as our pending JIRA request.

Thanks for all the hard work on this issue Chuks, I appreciate it.

Teresa K. Hillary

Iowa Workforce Development
1000 E Grand Avenue
Des Moines IA 50319

Phone: 515.725.2683
FAX: 515.242.5144

From: Nwizu, Hyginus [IWD]
Sent: Friday, August 30, 2013 4:11 PM
To: Benson, Joni [IWD]; Hillary, Teresa [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]
Cc: Budrevich, Steven [IWD]; Thielman, Richard [IWD]
Subject: RE: 04876.ET & 05187.ET

The decision to be made is whether to change the program to override the original ALJ, hearing date, time, etc, with the one on postponement record. Do you have any need to look back at the old record with the original ALJ?

From: Benson, Joni [IWD]
Sent: Friday, August 30, 2013 2:57 PM
To: Hillary, Teresa [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]
Cc: Nwizu, Hyginus [IWD]
Subject: RE: 04876.ET & 05187.ET

It gets changed on APLG, but does not reflect on APLF ... My current question is who gets credit for the hearing (on the report count) for the hearing? The ALJ on APLF or the ALJ on APLG?

From: Hillary, Teresa [IWD]
Sent: Friday, August 30, 2013 2:31 PM
To: Benson, Joni [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]
Cc: Nwizu, Hyginus [IWD]
Subject: RE: 04876.ET & 05187.ET

Can't we change the alj when the decn is entered on aplg?

From: Benson, Joni [IWD]
Sent: Friday, August 30, 2013 2:19 PM
To: Hillary, Teresa [IWD]; Wise, Steve [IWD]; Lewis, Devon [IWD]
Cc: Nwizu, Hyginus [IWD]
Subject: FW: 04876.ET & 05187.ET

OK. This is something that was previously taken to Joe and no action was taken. It is in regards to the situation we have now where other ALJs have taken over cases for another ALJ ... hearing date has passed, cannot change ALJs. If you read the emails it will give you a better idea of where we are in this process.

Two things to note –

1. Cost involved when making the changes
2. Information will be lost

Steve, Teresa, and Devon – let me know about this next week so I can get back to Chuks.

-Joni

From: Nwizu, Hyginus [IWD]
Sent: Friday, August 30, 2013 1:56 PM
To: Benson, Joni [IWD]
Subject: RE: 04876.ET & 05187.ET

Here is the chain of events...

From: Nwizu, Hyginus [IWD]
Sent: Tuesday, April 30, 2013 9:23 AM
To: Benson, Joni [IWD]
Subject: RE: You Have A New Ticket Routed To You Number: D4V8546354

It will overlay the old date, time, ALJ, etc. You won't be able to look back at the old hearing information if you need to.

From: Benson, Joni [IWD]
Sent: Tuesday, April 30, 2013 9:20 AM
To: Nwizu, Hyginus [IWD]
Subject: RE: You Have A New Ticket Routed To You Number: D4V8546354

I'm starting to remember, if we have you do this, is there an associated cost to that?

From: Nwizu, Hyginus [IWD]
Sent: Tuesday, April 30, 2013 9:15 AM
To: Benson, Joni [IWD]
Subject: RE: You Have A New Ticket Routed To You Number: D4V8546354

Remember I have looked at this and you did not tell me what you wanted to do. You said you were going to talk to Joe Walsh about it. When an appeal is postponed, APLF shows the ALJ assigned to the case not the re-assigned ALJ. Do you want this to have re-assigned ALJ including the new date and time just like APLT does?

From: Benson, Joni [IWD]
Sent: Tuesday, April 30, 2013 9:13 AM
To: Nwizu, Hyginus [IWD]
Subject: RE: You Have A New Ticket Routed To You Number: D4V8546354

APLF
HEARING 03/15/13 08:00 AM ALJ S2 MAILED LOC 77 DES MOINES

APLT APPEAL CASE PHONE NUMBERS 07:43:29 04/30/2013

APPEAL#: 13 A UI 01960 [REDACTED]

HEARING: 04/30/2013 08:30 AM ALJ: S

From: Nwizu, Hyginus [IWD]
Sent: Tuesday, April 30, 2013 9:01 AM
To: Benson, Joni [IWD]
Subject: RE: You Have A New Ticket Routed To You Number: D4V8546354

What doesn't match? Can you be more specific?

From: helpdesk@iwd.iowa.gov [mailto:helpdesk@iwd.iowa.gov]
Sent: Tuesday, April 30, 2013 7:52 AM
To: Nwizu, Hyginus [IWD]
Subject: You Have A New Ticket Routed To You Number: D4V8546354

You Have A New Ticket Routed To You.

Joni Benson
Joni.Benson@iwd.iowa.gov
(515) 281-8484

Please forward this to Chuks:

The information on APLT and APLF do not match up. The information on APLT is the correct information.

APLF 478174140 LOW APPEAL CASE INFORMATION

13 A UI 01960 OC 01/06/13 REF 01 FILED 02/18/13 ENTRY 02/20/13 APLNT CLMNT

LAWS 96.5-2-A 96.5-1

COMMENTS

03 04

CLM THOMPSON, JAMES, E EMP EVANGELICAL RETIREMENT HOMES INC

1220 EAST 35TH STREET

CINDY MINGO

DES MOINES IA

7485 OFFICE RIDGE CIR

EDEN PRAIRIE MN

50317-0000

55344-0000

DISP - ACTIVE

CLAIM TYPE - INTRA

HEARING 03/15/13 08:00 AM ALJ S2 MAILED LOC 77 DES MOINES

POSTPONEMENT GIVEN BY S2 03/16/13 REQ BY EMPLR MAILED 03/18/13

APLT

APPEAL CASE PHONE NUMBERS 07:43:29 04/30/2013

APPEAL#: 13 A UI 01960 SSN: [REDACTED]

HEARING: 04/30/2013 08:30 AM ALJ: S

CLAIMANT - SCREEN 1:

THOMPSON, JAMES, E 278 515 240 3314

EMPLOYER - SCREEN 1:

"EVANGELICAL RETIREMENT H 000 000 0000

1. JEAN DOSS 278 515 299 1700

2. TIM RAINS 278 515 299 1700

3. SHELLY BERRYHILL 278 515 299 1700

From: Benson, Joni [IWD]
Sent: Friday, August 30, 2013 1:40 PM
To: Nwizu, Hyginus [IWD]
Cc: Benson, Joni [IWD]
Subject: FW: 04876.ET & 05187.ET

Chuks – I sent this to the HelpDesk and never received an answer. Can you help?

From: Benson, Joni [IWD]
Sent: Friday, August 30, 2013 1:39 PM
To: Wise, Steve [IWD]
Cc: Ackerman, Susan [IWD]; Scheetz, Beth [IWD]; Hillary, Teresa [IWD]
Subject: 04876.ET & 05187.ET

Here is what is going on with the hearings each of you have done for Julie.

Since the hearing is past the date ... I cannot go in and change the ALJ. That can only be done if the hearings is postponed and rescheduled ... but we do not want notices to go out (we cannot pull notices anymore since the mail goes out through DAS).

I have asked Chuks if the ALJ (you) that is listed when we enter it into APLG gets credit for the hearing. If not, I will ask Chuks to go in and change those individually. I will let you know what he finds out.

Thank you,

-Joni



Message: FW: Pre-TOP letter

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:18 PM
 Item ID: 40861575
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 8:47:57 AM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

 **FW: Pre-TOP letter**

From Wilkinson, Michael [IWD] **Date** Friday, November 22, 2013 10:59 AM

To Wahlert, Teresa [IWD]; Koonce, Kerry [IWD]; Adams, Lori [IWD]; Wallace, Edward [IWD]

Cc

 **NOI 11-21-13.pdf** (154 Kb HTML)  **image001.jpg** (3 Kb HTML)

We are "easing" into the Treasury Offset Program as you can see below. While I was not aware they were going out this soon, I am supportive of the strategy. Over the next 2weeks approximately 3500 letters will go out. These are all going to persons with Fraud Overpayments. Our intent is to send more in January and February to increase the offset. I will then be contracting with an outside vendor (using a special grant) to perform collection activities throughout 2014.

From: Eklund, David [IWD]
Sent: Friday, November 22, 2013 10:36 AM
To: Gomez, Carmen [IWD]
Cc: West, Ryan [IWD]; Boten, Brenda [IWD]; Wood, Kirsten [IWD]; Wilkinson, Michael [IWD]
Subject: Pre-TOP letter

Carmen,

Attached is a copy of one of the NOI (Notice of Intent) or "Pre-TOP" letters that are being mailed to 1,460 claimants today, 11/22/2013. Please provide a copy to all of your CSR's and ensure that they read and understand the entire letter.

Nowhere on the letter is a phone number provided, there is nothing that can be handled over the telephone. Any claimants that do call should be instructed to follow the guidance provided in the letter.

It is extremely important to note the **bold** portion of the letter. Being in a repayment agreement will not stop their Federal Tax return from being intercepted. The only way to stop the intercept is to pay the debt in full. They may remit payment via the mail by detaching the top portion of the letter and mailing it to the address provided. They can also now pay on-line with a debit/credit card by following the instructions in paragraph 5.

IWD does not have to "prove" to any claimant that the OP is valid. This is not a new opportunity to dispute. A proper response to a request to "prove the debt is owed" would be:
 This debt has become final. Any opportunity to dispute the debt ended long ago. We will not reproduce evidence that has already been provided.

Paragraph 3 outlines the only known examples of evidence that IWD will accept and examine to determine if the debt is legitimately owed. That evidence must be provided in writing by the claimant.

Paragraph 4 outlines the steps that the spouse of a claimant must take in order to preserve their portion of the refund.

There is a unique e-mail address provided that claimants may e-mail inquiries to if they have questions or concerns. We have to have these inquiries in writing, so again, no phone calls. E-mails will be responded to.

We will be mailing another batch of around 2,000 letters in early December. All 3,500 of these individuals have overpayments that were deemed fraudulent. So, holding the "hard line" is appropriate. No non-frauds were included in these two mailings.

Best advice to anyone who does call:
Follow the instructions in the letter.

I can come up at any time and speak to your group if you would like. Thank you very much!

Dave

David Eklund
Regional Operations Manager
UI Benefits Services
Iowa Workforce Development
Ph: 515/281-5792
Cell: 515/229-4482
Fax: 515/281-9033
david eklund@iwd.iowa.gov

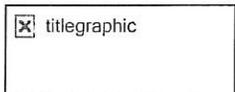


Image 1

PO BOX 10332

Des Moines, Iowa 50306-0332

SOCIAL SECURITY NO. [REDACTED]
DATE OF NOTICE 11/20/13

AMOUNT TO BE CERTIFIED \$7,570.00

[REDACTED]
ALGONA, IA 50511-1752

Return Top Portion With Your Payment

Notice of Intent to Intercept Federal Income Tax Refund

Our records indicate that you owe Iowa Workforce Development (The Division) the sum shown above for overpaid unemployment insurance benefits and/or penalties. Failure to satisfy this debt within sixty days of this notice will result in your debt being referred to the United States Department of Treasury (the Treasury) for collection through the Treasury Offset Program (TOP) pursuant 26 U.S.C 6402.

Through the TOP, the Treasury is authorized to offset your Federal income tax refund to repay this debt. If this debt is referred to collection through the TOP, you will also be charged an administrative collection fee. To avoid offset of your Federal income tax refund and the additional fee, you must pay your debt in full within sixty days of this notice. **The interception of your Federal Income Tax refund could occur regardless if you are in repayment status.**

The Division has established this debt is legally enforceable on your unemployment claim. However, you do have the right to present evidence within sixty days of the date of this notice that all or part of this debt is not legally enforceable and should not be subject to offset. Examples of evidence would include proof that this debt was discharged in bankruptcy, proof that this debt has previously been paid, or proof that you are not the person identified as the debtor in this notice. The Division will consider all evidence presented and will determine if the debt will be referred to the Treasury.

If you and your spouse file a joint Federal income tax return, your spouse may be entitled to a portion of the Federal income tax refund. Your spouse should obtain IRS Form 8379, Injured Spouse Claim and Allocation, if applicable. The instructions accompanying Form 8379 will explain the steps your spouse must take. This form is online at www.irs.gov/form8379.

If you do not remit payment in full or take any action in response to this notice within the sixty day deadline, the debt will be referred to the Treasury. Please mail in your payment along with the top portion of this letter. Make your check or money order payable to Iowa Workforce Development. You can also pay this debt online using a

credit or debit card at www.iowaworkforcedevelopment.gov by clicking "Resolve Overpayment". If you pay with a credit or debit card, you will be charged a processing fee, in addition to the amount of your payment.

If you have any questions, please email uitop@iwd.iowa.gov

Send all payments and correspondence to: Iowa Workforce Development
UISC/TOP
PO BOX 10332
Des Moines, Iowa 50306-0332



Message: FW: Pre-TOP letter

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:18 PM
 Item ID: 40861575
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 8:47:57 AM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

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To Wahlert, Teresa [IWD]; Koonce, Kerry [IWD]; Adams, Lori [IWD]; Wallace, Edward [IWD]

Cc

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Best advice to anyone who does call:
Follow the instructions in the letter.

I can come up at any time and speak to your group if you would like. Thank you very much!

Dave

David Eklund
Regional Operations Manager
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Fax: 515/281-9033
david.eklund@iwd.iowa.gov

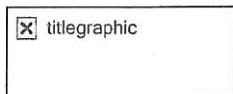


Image 1

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Des Moines, Iowa 50306-0332

SOCIAL SECURITY NUMBER [REDACTED]

DATE OF NOTICE 11/20/13

AMOUNT TO BE CERTIFIED \$7,570.00

[REDACTED]

ALGONA, IA 50511-1752

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The Division has established this debt is legally enforceable on your unemployment claim. However, you do have the right to present evidence within sixty days of the date of this notice that all or part of this debt is not legally enforceable and should not be subject to offset. Examples of evidence would include proof that this debt was discharged in bankruptcy, proof that this debt has previously been paid, or proof that you are not the person identified as the debtor in this notice. The Division will consider all evidence presented and will determine if the debt will be referred to the Treasury.

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Send all payments and correspondence to: Iowa Workforce Development
UISC/TOP
PO BOX 10332
Des Moines, Iowa 50306-0332



Message: RE: What to ask for

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:50 PM
 Item ID: 40862226
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/21/2014 1:15:26 PM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

RE: What to ask for

From West, Ryan [IWD] **Date** Thursday, March 13, 2014 5:00 PM
To Wilkinson, Michael [IWD]
Cc

image001.jpg (3 Kb HTML)

You in?

Ryan West
 Regional Operations Manager
 Phone (515) 725-3732
 Fax (515) 281-9321

Description: telegraphic

From: Wilkinson, Michael [IWD]
Sent: Thursday, March 13, 2014 4:58 PM
To: Eklund, David [IWD]
Cc: West, Ryan [IWD]; Boten, Brenda [IWD]
Subject: FW: What to ask for

May want to have staff refer all potential OP to Dave.

From: Stewart, Brian [IWD]
Sent: Thursday, March 13, 2014 3:23 PM
To: Wilkinson, Michael [IWD]
Cc: Bateman, Gary [IWD]
Subject: RE: What to ask for

Claimant [REDACTED]. Please see answers below. I've done a KDBU 904 and entered \$574.22 gross wages for BWE 03/08/14. I hope this helps. Thank You.

From: West, Ryan [IWD]
Sent: Thursday, March 13, 2014 12:45 PM
To: Allen, Shannell [IWD]; Anderson, Shantel [IWD]; Andreano, Lori [IWD]; Baccam, Frisco [IWD]; Batten, Gary [IWD]; Beattie, Adam [IWD]; Borgeson, Jill [IWD]; Boten, Brenda [IWD]; Chounlamounry, Pho [IWD]; Close, Kara [IWD]; Cogan, Karen [IWD]; Cozart, Jeanine [IWD]; Croushore, Brienne [IWD]; Dawson, Dianne [IWD]; Densmore, Terryne [IWD]; DeSmidt, James [IWD]; Devine, Roxy [IWD]; Donlin, Michael [IWD]; Dyer, Ray [IWD]; Dykstra, Connie [IWD]; Edmonds, Linda [IWD]; Eklund, David [IWD]; Ellenwood, Kasandra [IWD]; Finck, Christal [IWD]; Garrett, Brent [IWD]; Gaulke-Lilly, Sharon [IWD]; Gifford, Matt [IWD]; Guy, Marlys [IWD]; Hallengren, Jon [IWD]; Hoard, Aaron [IWD]; Holett, Karen [IWD]; Hosier, Michael [IWD]; Irvine, Erin [IWD]; Irvine, Kevan [IWD]; Khounlo, Nhoui [IWD]; Kolontar, Lisa [IWD]; Koolker, Quentin [IWD]; Landrew, Paul [IWD]; Lewis, Irma [IWD]; Long, Maria [IWD]; Moses, Ryan [IWD]; Nutting, Jenifer [IWD]; Oyibo, Joan [IWD]; Parry, Sharon [IWD]; Peacock, Phillip [IWD]; Prettyman, Laura [IWD]; Ramirez, Rebecca [IWD]; Rieger, Kim [IWD]; Roovaart, Michelle [IWD]; Ruby, Evelyn [IWD]; Saddoris, Michelle [IWD]; Schafer, Cathy [IWD]; Schmalzried, Leslie [IWD]; Seivert, Shanlyn [IWD]; Shepherd, Deborah [IWD]; Spencer, Barbara [IWD]; Starr, Tracy [IWD]; Steen, Christina [IWD]; Stewart, Brian [IWD]; Stielow, Lisa [IWD]; Tavegia, Thomas [IWD]; Schlumbohm, Spomenka [IWD]; Ung, Kham [IWD]; Vo, Vu [IWD]; Vogt, Jennifer [IWD]; Wey, Kevin [IWD]; Wolfe, Kathie [IWD]; Wood, Kirsten [IWD]; Young, Veronica [IWD]; Alden, Carmela [IWD]; Alexander, Marty [IWD]; Brendeland, Deb [IWD]; Buntenschach, Edward [IWD]; Conrath, Mary [IWD]; Dennis, Carla [IWD]; Drake, Denise [IWD]; Dugan, Boyd [IWD]; Gomez, Carmen [IWD]; Greco, Mary [IWD]; Hammond, Simona [IWD]; Harmon, Jeri [IWD]; Koonce, Kerry [IWD]; Kramer, Vicki [IWD]; Milligan, Joy [IWD]; O'Brien, Karla [IWD]; Piper, Shari [IWD]; Rodriguez, Maria [IWD]; Shaw, Carmela [IWD]; Summy, Kelly [IWD]; Tate, Sherry [IWD]; Woods, Tamar [IWD]; Woods, Tina [IWD]
Subject: What to ask for

Sorry I meant to have this out earlier.

1. How did they attempt to file? IVR or Web? WEB.
2. Which week were they claiming? Were they attempting to claim more than one week. BWE 03/08/14.
3. Claimant identifying information. See Above.
4. Time and date they attempted. Mid Morning of 03/09/14.
5. How did they respond to each question? Normal Answers as in the previous 4 weeks.
6. Exactly what was the message from the IVR or Web? Claimant says it said it successfully went thru.

Message: Re: social security numbers**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:37 PM
 Item ID: 40860788
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 8:47:03 AM	Reviewed	Koonce, Kerry
7/22/2014 8:45:37 AM	Unreviewed	Koonce, Kerry
7/21/2014 5:23:29 PM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

✉ **Re: social security numbers**

From Wilkinson, Michael [IWD] **Date** Saturday, June 02, 2012 12:02 PM
To Wahlert, Teresa [IWD]
Cc Eklund, David [IWD]

It should go directly to Dave Eklund

Sent from my iPad

On Jun 1, 2012, at 8:43 PM, "Wahlert, Teresa [IWD]" <Teresa.Wahlert@iwd.iowa.gov> wrote:

Who or where should she be sending this info to?
 Teresa

Sent from my iPhone

Begin forwarded message:

From: "Lewis, Irma [IWD]" <Irma.Lewis@iwd.iowa.gov>
Date: June 1, 2012 7:19:19 AM CDT
To: "Wahlert, Teresa [IWD]" <Teresa.Wahlert@iwd.iowa.gov>
Subject: FW: social security numbers

<image001.gif>

Would you please forward this to whomever is doing the social security report now; I know you said there were four people in that position, but if you told me specifically who was doing the social security report, I missed it; thanks

Irma

From: Richards, Vicki [IWD]
Sent: Thursday, May 31, 2012 3:19 PM
To: Lewis, Irma [IWD]
Subject: social security numbers

I have a claimant who filed her claim under the social security number [REDACTED], her name

[REDACTED]
[REDACTED] I talked to the employer who says she never worked there. They have those wages belonging to [REDACTED]
[REDACTED]. Could you check and let me know what number is correct for [REDACTED].

Thanks,

Vicki

Vicki Richards
Work Force Advisor/ Deputy 84
Iowa Workforce Development UISC
P O Box 10332
Des Moines, Iowa 50306-0332
Phone: 515-242-0409 Fax: 515-281-4057
Email: vicki.richards@iwd.iowa.gov

Life isn't about waiting for the storm to pass, it's about learning to dance in the rain.

Message: RE: 09552.LT - Postponement Request

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:16 PM
 Item ID: 40861498
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: 09552.LT - Postponement Request**

From Hillary, Teresa [IWD] **Date** Thursday, August 29, 2013 1:16 PM
To Benson, Joni [IWD]
Cc Lewis, Devon [IWD]

 **image002.gif** (12 Kb HTML)

Can you pls call the parties and grant this request since Devon is on vacation. Also reschedule the case back whenever it will fit into Devon's schedule.

Thanks much for handling this,

Teresa K. Hillary

Iowa Workforce Development
 1000 E Grand Avenue
 Des Moines IA 50319

Phone: 515.725.2683
 FAX: 515.242.5144

From: Benson, Joni [IWD]
Sent: Thursday, August 29, 2013 11:23 AM
To: Hillary, Teresa [IWD]
Cc: Lewis, Devon [IWD]
Subject: 09552.LT - Postponement Request
Importance: High

Employer, 9/24 – 10/4 going to be in Italy. Needs a reschedule.
 Debra Haugen, 641.423.0428

APLF [REDACTED] LOW APPEAL CASE INFORMATION
 13 A UI 09552 OC 07/21/13 REF 01 FILED 08/20/13 ENTRY 08/22/13 APLNT CLMNT
 LAWS 96.5-2-A 96.5-1

COMMENTS
 03 04

CLM WADLE, ANNE, M EMP THE IA ODD FELLOWS AND ORPHANS HM
 7 KNOLLWOOD CT IOOF HOME & COMMUNITY THERAPY CEN
 MASON CITY IA 1037 19TH ST SW
 MASON CITY IA
 50401-0000 50401-6436
 DISP - ACTIVE CLAIM TYPE - INTRA
 HEARING 09/24/13 01:00 PM ALJ L MAILED 08/26/13 LOC TELEPHONE

Joni K. Benson

Iowa Workforce Development – UI Appeals
 1000 E. Grand
 Des Moines IA 50319
 Phone: 515.281.8484
 FAX: 515.242.5144
joni.benson@iwd.iowa.gov

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