
Assembly Committee on Jobs and the Economy

Testimony on Assembly Bill 819

Joe Handrick, Division Administrator, Unemployment Insurance

Chairperson Neylon and members of the Assembly Committee:

I am Joe Handrick, the Division Administrator for Unemployment Insurance (Division) and with me today is Janell Knutson, Director of the Bureau of Legal Affairs who serves as the Chair of the Unemployment Insurance Advisory Council (Council). On behalf of the Council I would like to thank you for hearing the Council's agreed upon bill.

The Unemployment Insurance Advisory Council was created by the Legislature in 1932 to advise the Department and Legislature on policy matters concerning the development and administration of unemployment insurance law. This process has acted as a vehicle for labor and management representatives to work together on ensuring stability in the system while also recommending positive changes to ensure the health of the system and the Unemployment Trust Fund.

The legislation before you today is the result of the Council's work over the last year. The language in Assembly Bill 819 was developed by the Council based on input and recommendations from numerous sources including employer representatives, labor representatives, the Legislature, and the Department of Workforce Development. The Council also received input from the public during a statewide public hearing held in November of 2014, through correspondence and through a dedicated email box.

In the months that followed, the Council met regularly with staff from the Division and unanimously approved the language of the agreed bill at their January 19th meeting.

I will defer talking about the specifics of the bill to the two representatives from Management and Labor, but Janell and I would be happy to answer any technical questions you may have. Thank you again for your time and for the opportunity to testify today.

To: Unemployment Insurance Advisory Council

From: Andy Rubsam

CC: Janell Knutson

Date: January 14, 2016

Re: D15-08 Definition of Concealment – effect of proposed section 108.04(11)(g)3.

The Department proposed, and the Council agreed, to amend the statutory definition of “conceal” in the unemployment insurance law. The revised definition of “conceal” contains the following provision: “Nothing in this subsection requires the department, when making a finding of concealment, to determine or prove that a claimant had an intent or design to receive benefits to which the claimant knows he or she was not entitled.” The Council requested that the Department provide analysis of this provision, including examples of how the law will be applied.

The Department interprets the proposed section 108.04(11)(g)3. in concealment cases to mean that the Department must find that the claimant intended to deceive the Department but the Department need not determine whether the claimant knew that the claimant would in fact receive a greater amount of unemployment benefits as a result of the deception. The proposed statutory change requires the Department to determine whether the claimant intended to mislead the Department on the benefit claim “by withholding or hiding information or making a false statement or misrepresentation,” but does not require the Department to determine that the claimant knew the effect of that intentionally incorrect answer.

For example, if a claimant intentionally fails to report quitting a job, the claimant has concealed. This is true even if the quit would not have disqualified the claimant for benefits because the quit fell within one of the exceptions such as quit with good cause. Proposed section 108.04(11)(g)3. provides that the Department does not need to establish that the claimant knew

that the failure to report the quit would result in payment of benefits to which the claimant was not entitled. Rather, the claimant intentionally misled the department by not providing the information.

Another example could involve a claimant intentionally failing to report part-time work on their benefit claim. Because the claimant intentionally failed to report work, the claimant concealed. Proposed section 108.04(11)(g)3. provides that the Department is not required to determine the claimant's knowledge about the effect of the false answer on the claimant's benefit amount. Had they not concealed the information, the claimant may have been entitled to partial benefits.

Zapf, Joe

From: Falstad, David B - LIRC <David.Falstad@wisconsin.gov>
Sent: Monday, February 01, 2016 2:19 PM
To: Neylon, Adam
Cc: Nass, Stephen; McCallum, Laurie - LIRC; Jordahl, Bill - LIRC
Subject: Concerns re AB 819 set for Public Hearing on February 4

Importance: High

Scott Walker
Governor

Laurie R. McCallum
Chairperson



3319 West Beltline Highway
P.O. Box 8126
Madison, WI 53708-8126
Telephone (608) 266-9850
FAX (608) 267-4409
lirc@wisconsin.gov
lirc.wisconsin.gov

State of Wisconsin
Labor and Industry Review Commission

February 1, 2016

Via Email

THE HONORABLE ADAM NEYLON
WISCONSIN ASSEMBLY
ROOM 125 WEST
STATE CAPITOL
P.O. BOX 8953
MADISON WI 53708

RE: **AB 819; SECTIONS 54 & 55**
COMMITTEE ON JOBS AND THE ECONOMY
PUBLIC HEARING FEBRUARY 4, 2016

Dear Representative Neylon:

Assembly Bill 819, relating to various changes to the unemployment insurance (UI) program, is scheduled for a Public Hearing before the Committee on Jobs and the Economy on Thursday, February 4, 2016. I am writing to request your urgent attention to two sections of the bill and to urge the committee to **delete SECTIONS 54 & 55 of AB 819** for the following reasons:

- **There are significant legal problems with these sections of the bill that will lead to unintended negative consequences for employers and employees.**
- **The changes will duplicate expensive litigation costs for the state, and unnecessarily complicate judicial review of commission decisions.**
- **The process for how these proposed changes were developed and presented to the UI Advisory Council was seriously flawed.**
- **Removing these provisions now will allow for a thorough review of the law and determine if there is any actual need for changes.**

SECTIONS 54 & 55 significantly change the way LIRC UI decisions are appealed to court. There are several problems with the bill provisions, but three provisions are especially troublesome. First, these sections of the bill require all parties to answer a complaint instead of relying on LIRC to defend its decision. If a party fails to file an answer in a case, that party cannot have a say in where the case is brought or participate in the litigation, and may have a default judgment entered against them. For employers that are incorporated or organized as limited liability corporations, they would need to hire an attorney to represent their interests which would certainly increase the costs of doing business in Wisconsin. Presently, these parties rarely hire attorneys, if at all; typically, LIRC is the sole advocate in court in defense of its own decisions, and this has been true for decades.

Second, these sections of the bill also require that DWD must be named as a party in *every* appeal of a LIRC decision. DWD currently may appeal a commission decision if it chooses to do so, but SECTIONS 54 & 55 *require* that DWD be made a defendant in every appeal. This will *create traps* for employers, especially small businesses, and employees seeking judicial review of LIRC decisions. Their appeals will be dismissed if they fail to name DWD as a party.

Also, by requiring DWD to be a party in *every* LIRC appeal to court, SECTIONS 54 & 55 create a redundancy of effort by doubling the legal activity among state attorneys and creating a whole new area of business for DWD's UI attorneys. Of greater concern, this change provides DWD attorneys an opportunity to "take a second kick at the cat" on any element of a LIRC opinion they may take issue with, without themselves actually appealing any specific decision. The mandatory involvement of DWD attorneys in LIRC litigation is inappropriate, and requiring DWD to be a party in every case will unnecessarily complicate judicial review.

Third, the Legislature created LIRC to have final review authority over DWD interpretations of the UI law in order to provide for fair and impartial review, and to give consistency, stability, and integrity to the UI program. LIRC is a separate and publicly accountable agency assigned the task of ensuring that the many decisions on UI cases by dozens of Administrative Law Judges around the state apply the law uniformly and properly. LIRC was created as a stand-alone agency in order to prevent UI's administrating agency (DWD) from being tempted to exert undue influence on LIRC. SECTIONS 54 & 55 promise to undermine that public accountability and trust in the UI program by inserting DWD into the process after LIRC's decision has been issued and appealed.

Finally, the process for how the changes in SECTIONS 54 & 55 were presented to the UI Advisory Council was unsound. The changes were proposed by the DWD UI Bureau of Legal Affairs. Though LIRC has defended its decisions in court for decades and this is a primary area of LIRC's expertise, these changes were proposed to the UI Advisory Council without ever consulting with LIRC about the need for changes or the effects the changes will have on parties, and despite the fact that the provisions will significantly affect the workload and budget of LIRC. Such drastic changes should not even have been presented to the UI Advisory Council without the concordance of the commission.

The commission respects the work of the UI Advisory Council and appreciates the time and effort that goes into negotiating an agreed-upon bill. As noted above, SECTIONS 54 & 55 of the bill were proposed by the DWD UI Bureau of Legal Affairs and were not proposals by the Management or Labor sides of the UI Advisory Council, and they were presented to the UI Advisory Council in a flawed manner. Deleting these two provisions now will prevent unnecessary state costs and unanticipated litigation traps for unwary employers and employees. LIRC makes no comment regarding any other provisions of the bill.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,

David B. Falstad, Commissioner

Cc: Senator Stephen Nass

	over-payments assessed			
	2011	2012	2013	2014
Total UI paid	\$2,094,416,632	\$1,612,616,543	\$1,270,761,600	\$732,327,104
Fraud over-payments assessed	\$41,607,913	\$31,505,810	\$24,796,194	\$20,455,759
Non-fraud over-payments assessed	\$46,396,840	\$31,924,842	\$26,736,198	\$16,891,298
Total over-payments assessed	\$88,004,753	\$63,430,652	\$51,532,392	\$37,347,057
Ratio of fraud over-payment to total UI paid	1.99%	1.95%	1.95%	2.79%
Ratio of fraud over-payment to total over-payments	47.28%	49.67%	48.12%	54.77%
Ratio of non-fraud over-payments to total over-payments	52.72%	50.33%	51.88%	45.23%

From Detection and Prevention of Fraud in the Unemployment Insurance Program: Annual Report to the Unemployment Insurance Advisory Council for the Calendar Year 2014 (15 March 2015) at 8.

concealment collected

	2012	2013	2014	YTD 10/31/2015	
Over-payment collections (fraud + non-fraud)	\$48,740,491.27	\$47,826,601.13	\$39,761,920.41	\$30,992,197.97	
Forfeitures (old law)	\$8,449,159.97	\$7,898,496.82	\$2,915,467.20	\$1,386,185.37	
Benefit concealment income (new law) (15%)	\$0.00	\$23,471.73	\$991,705.06	\$1,753,517.72	
Penalty-Program Integrity (25%)				\$132,331.13	
Totals	\$57,189,651.24	\$55,748,569.68	\$43,669,092.67	\$34,264,232.19	
					concealment penalty 15%
					2015 concealment income \$1,753,517.72
					Est. 2015 overpayment amount included as concealment \$11,690,118.13
					Est. 2015 non-concealment over-payments \$19,302,079.84
					Est. percentage of concealment to non-concealment over-payment collections 60.6%

From financial reports prepared for the UI Advisory Council

UI LO #: 12
UI Acct #:

SS # [REDACTED]

MADISON HEARING OFFICE COPY

DUPLICATE
DETERMINATION

MADISON WI 53713-4608

Issue Week: 23/10
Week Ending: 06/05/10
Applicable Wisconsin Law: 108.02(26) AND 108.04(11)(B)

FINDINGS AND DETERMINATION OF THE DEPUTY:

WEEKS TO OFFSET OVERPAYMENTS OF UNEMPLOYMENT INSURANCE AND OTHER SPECIAL PROGRAM BENEFITS THAT MUST BE REPAYED TO THIS STATE, TO ANOTHER STATE, OR TO THE FEDERAL GOVERNMENT.

RECOVERY OF THE OVERPAYMENT IS NOT WAIVED UNDER S. 108.22(8)(C) BECAUSE THE ERRONEOUS PAYMENT(S) WERE NOT THE RESULT OF DEPARTMENTAL ERROR AND/OR THEY WERE THE RESULT OF THE CLAIMANT'S FAILURE TO PROVIDE CORRECT AND COMPLETE INFORMATION TO THE DEPARTMENT.

THIS DETERMINATION DOES NOT DISPOSE OF THE ISSUE INVOLVING THE CONCEALMENT OF WAGES.

THE RESOLUTION OF THIS CONCEALMENT ISSUE WILL BE SET FORTH IN ANOTHER DECISION ISSUED ON THIS SAME DATE OR IN A LATER DECISION. ADDITIONALLY, THE DEPARTMENT MAY AT A LATER DATE SEEK CRIMINAL PROSECUTION UNDER WISCONSIN STATUTES 108.24.

UI LO #: 12
UI Acct #:

SS # [REDACTED]

MADISON HEARING OFFICE COPY

DUPLICATE
DETERMINATION

MADISON WI 53713-4608

Issue Week: 23/10
Week Ending: 06/05/10
Applicable Wisconsin Law: 108.02(26) AND 108.04(11)(B)

FINDINGS AND DETERMINATION OF THE DEPUTY:

SECTION 108.04(11)(B) OF THE STATUTES STATES THAT NO BENEFITS ARE PAYABLE FOR A WEEK IN WHICH THE CLAIMANT CONCEALS ANY WAGES EARNED IN OR PAID OR PAYABLE FOR THAT WEEK.

THE CLAIMANT WORKED AND EARNED WAGES FROM [REDACTED] DURING THE WEEK(S) ENDING: 06/05/10, 06/12/10, 06/19/10, 06/26/10, 07/03/10, 07/10/10, 07/24/10, 07/31/10, 08/14/10, 08/21/10, 08/28/10, 09/18/10, 09/25/10, 10/02/10, 10/09/10, 10/16/10, 10/23/10, 10/30/10, 11/06/10, 11/13/10, 11/20/10, 11/27/10, 12/04/10, 12/11/10, 12/18/10, 01/01/11, 01/15/11, 01/22/11, 01/29/11, 02/05/11, 02/12/11, 02/19/11, 02/26/11, 03/05/11, 03/12/11, 03/19/11, 03/26/11, 04/02/11, 04/09/11, 04/16/11, 04/30/11, 05/07/11, 05/14/11, 05/21/11, 05/28/11. HE CONCEALED THIS WORK AND WAGES ON HIS WEEKLY CERTIFICATIONS.

THE CLAIMANT WAS NOTIFIED THAT THE DEPARTMENT QUESTIONED HIS ELIGIBILITY. HE FAILED TO RESPOND TO OR DISPUTE THE INFORMATION AVAILABLE TO THE DEPARTMENT.

ALTHOUGH THE CLAIMANT DID REPORT WAGES FROM [REDACTED] WHEN HE FILED HIS CLAIMS FOR THE ABOVE WEEKS, HE SIGNIFICANTLY UNDERREPORTED HIS WAGES.

EFFECT

NO BENEFITS ARE PAYABLE FOR THE ABOVE WEEK(S).

THIS DECISION RESULTS IN AN OVERPAYMENT OF \$ 6233.00 WHICH MUST BE REPAYED BY THE CLAIMANT.

SEND A CHECK OR MONEY ORDER, PAYABLE TO UNEMPLOYMENT INSURANCE, TO THE UNEMPLOYMENT INSURANCE DIVISION, P.O. BOX 7888, MADISON, WI 53707.

THE DEPARTMENT WILL WITHHOLD UNEMPLOYMENT BENEFITS PAYABLE FOR FUTURE

DEPUTY [REDACTED] Department EXHIBIT 14B
DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY: [REDACTED]

DEPUTY [REDACTED] Department EXHIBIT 14B
DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY: [REDACTED]

Victor Forberger, Esquire

Admitted to Massachusetts and
Wisconsin bars
blogs: wisconsinui.wordpress.com / linuxatty.wordpress.com

2509 Van Hise Avenue Madison WI 53705
608-352-0138 608-316-2741 (fax)
vforberger@fastmail.fm
website: law.vforberger.fastmail.fm

2 February 2016

Madison Hearing Office
3319 W Beltline Hwy, 3rd Floor
PO Box 7975
Madison, WI 53707-7975

SENT VIA FACSIMILE: 608-266-8180 (6 pp.)

RE: Initial Determinations issued 1/22/16 and 1/29/16 involving claimant __, SSN ending in __, and the employer __, UI account __

Dear Sir or Madam:

Through the Unemployment Compensation Appeals Clinic, Inc. I represent Mr. __ in his unemployment matters before the Department of Workforce Development ("DWD" or "Department").

In the various decisions issued by the Labor and Industry Review Commission ("LIRC" or "Commission") in Hearing Nos. __, __, __, __, __, __, __, and __-__, the Commission reversed the concealment charges, found that Mr. Johnson "is entitled to partial unemployment benefits" if otherwise eligible, and remanded these matters to the Department:

to determine whether accurate and reliable wage information was provided by the employers and, if not, to obtain the same; to investigate and determine whether employer fault was responsible, at least in part, for any erroneously paid benefits; to investigate and determine whether departmental error was responsible, at least in part, for any erroneously paid benefits; and to investigate and determine whether overpayments should be established or waived.

In regards to whether Mr. __ had failed to report vacation pay or holiday pay and concealed such pay on his weekly claims,¹ the Commission found that the evidence was insufficient to show that vacation or holiday pay was received by Mr. __, let alone that he had concealed receipt of such pay. Accordingly, these initial determinations were reversed: there were no over-payments or concealment for these weeks and no reduction in unemployment benefits warranted for the weeks in question because of holiday or vacation pay.

The Department issued four new initial determinations that were appealed in a letter dated 22 January 2016 covering weeks at issue in 2008, 2009, and 2010. The Department has since issued two more initial determinations. More are expected. For the reasons indicated below, these two additional initial determinations are being appealed.

First, these initial determinations do not address the conflicting wage information at issue in these matters and rely without explanation on an audit response provided by a third-party to Sheraton. As the Commission explained:

In addition, the wage information the __ provided to the department in 2009, 2010, and 2012 was different than the wage information the __ provided to the department in 2014 on the audit form for the same weeks.² It is unknown

1 Hearing Nos. __, __, __, __, __, __, __, and __.

whether the wage amounts reported by the ___ were inaccurate when first reported, were inaccurate when reported in 2014, or both. There is no explanation in the record for the inconsistencies. It is also unknown whether, in completing the audit form, the ___'s payroll records were adjusted to reflect wages earned by the employee each Sunday through Saturday. The ___'s weeks for payroll purposes run Friday through Thursday.

⁸ *Compare, e.g., Ex. 2, p. M8 with Ex. 1, pp. F4, F7, and F11.* In 2009, the employer reported that the employee earned wages of \$205.50 in week 34 of 2009. In 2014, the employer reported that he earned wages of \$271.48 in that week. Similarly, in 2010, the employer reported that the employee earned wages of \$263.12 in week 31 of 2010. In 2014, the employer reported that he earned wages of \$213.34 in that week. In 2012, the employer reported that the employee earned wages of \$193.96 in week 7 of 2012. In 2014, the employer reported that the employee earned wages of \$212.31 in that week.

The Department provides no examination or explanation of these concerns in its initial determinations.

Second, the Commission remanded these matters to the Department for examination of whether the employer failed to provide accurate and reliable wage information and was at fault for the over-payment and whether Departmental error had occurred. In these initial determinations, the Department simply states that the employer failed to provide UCB-23 forms and does not examine what wage information from the employer was accurate or inaccurate. In regards to Departmental error, the Department asserts that none occurred. Yet, the Commission in its decisions explained (footnote omitted):

Departmental error is defined to be an error made by the department in paying benefits which results exclusively from misinformation provided to a claimant by the department, on which the claimant relied. Here, after twice asking how the service charge commissions paid to him by the employer would be handled, the employee was told that the department would verify the wages he reported on his weekly claims with his employer and that any discrepancies or problems would be resolved by the department through the offset of future benefits. The process did not work as the department assured the employee it would. The employee relied to his detriment on the department's representations. Given this, the department should consider whether departmental error was responsible, at least in part, for the erroneous payment of benefits to the employee.

Accordingly, the Department has failed to follow what the Commission remanded the Department to do.

Third, the Department's calculations are off in both of these initial determinations. In the initial determination covering weeks ending 9/25/10 and 2/26/11, the Department alleges an over-payment of \$143. This initial determination asserts that Mr. ___'s weekly benefit rate for these two weeks is either \$154 and \$189. The benefit due calculations are only correct, however, if the weekly benefit rate for both weeks is \$154. In addition, the over-payment amount at issue in this initial determination should be reduced by the \$34 allegedly due Mr. ___ for the week ending 2/26/11.

In the initial determination covering the weeks ending 6/5/10-5/28/11 the Department alleges an over-payment of \$4657. The math here cannot be followed.

- The alleged over-payment amounts on the initial determination add up to \$4524, which is \$133 short of the alleged over-payment total.
- Benefits due for the weeks ending 8/7/10, 9/4/10, 9/11/10, and 12/25/10 (weeks not at issue in the original hearings) are excluded from these weekly calculations but the week ending 1/8/11 (which was also not part of the original unemployment hearings) are now added. In addition, the Department now alleges a \$26 over-payment for the week ending 1/8/11 when wage and reporting data at the hearing indicates a \$9 under-payment for this week.
- For the week ending 11/6/10, the benefits paid amount should be \$141, the benefits due amount should be \$28, and the over-payment should be \$113 rather than the zeros for all three amounts.
- For the week ending 12/18/10, the benefit due amount should be \$78 rather than the \$75 as alleged.
- For the weeks ending 1/1/11 through 2/19/11, the Department's calculations for benefits paid each of these weeks is approximately \$35 higher than it should be.
- This initial determination asserts that Mr. ___'s weekly benefit rate for these weeks is either \$154 and \$189, but the only amount apparently used for benefit calculations is \$154.

For these reasons, these initial determinations are being appealed. When scheduling the hearing in this matter or with the prior four initial determinations, please make the hearing in-person and consider that I am NOT available on the following dates:

10 February after 3 PM
15-16 February
17 February after 3 PM
18 February (for the UI Advisory Council meeting)
19 February after 11 AM
24 February after 3 PM
1 March
2 March after 3 PM
3-4 March
7-8 March
9 March after 3 PM
14 March
16 March after 3 PM
18 March after 11 AM
21-25 March
28 March
30 March after 3 PM

If you have any questions or need additional information, please contact me via the above information. Thank you.

Sincerely,



Victor Forberger
WI Bar: 1070634

Enc: Initial determinations, printed 2-up (1 pp. and 2 pp.)

UI LO #: 12
 UI Acct. #:

SS #



DETERMINATION

DETERMINATION

DETERMINATION

[REDACTED]
 MADISON WI 53713-4608

[REDACTED]
 MADISON WI 53713-4608

Issue Week Ending:	39/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
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Issue Week Ending:	39/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
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FINDINGS AND DETERMINATION OF THE DEPUTY:

FINDINGS AND DETERMINATION OF THE DEPUTY:

ANOTHER STATE, OR TO THE FEDERAL GOVERNMENT.

THE CLAIMANT WORKED FOR AND EARNED WAGES FROM [REDACTED]

THE CLAIMANT EARNED WAGES AS FOLLOWS:

WEEK ENDING	WAGES EARNED	40 OR MORE HRS EARNED (X MEANS "YES")	BENEFITS PAID	BENEFITS DUE
09/25/10	\$ 263.11		\$143.00	\$.00
02/26/11	\$ 207.99		\$ 20.00	\$ 34.00

NO BENEFITS ARE PAYABLE FOR ANY WEEK IN WHICH THE CLAIMANT WORKED 40 OR MORE HOURS.

BENEFITS PAYABLE FOR ALL OTHER WEEKS ARE CALCULATED BY DISREGARDING THE FIRST \$30 OF TOTAL WAGES AND REDUCING THE WEEKLY BENEFIT RATE BY 67% OF THE REMAINING WAGES.

THE CLAIMANT'S APPLICABLE WEEKLY BENEFIT RATES ARE: \$154.00 AND \$189.00.

EFFECT

WEEKLY BENEFITS OTHERWISE PAYABLE, IF NOT ALREADY A FULL DOLLAR AMOUNT, ARE ROUNDED DOWN TO THE NEAREST DOLLAR.

THIS DECISION RESULTS IN AN OVERPAYMENT OF \$ 143.00 WHICH MUST BE REPAYED BY THE CLAIMANT.

SEND A CHECK OR MONEY ORDER, PAYABLE TO UNEMPLOYMENT INSURANCE, TO THE UNEMPLOYMENT INSURANCE DIVISION, P.O. BOX 7888, MADISON, WI 53707.

THE DEPARTMENT WILL WITHHOLD UNEMPLOYMENT BENEFITS PAYABLE FOR FUTURE WEEKS TO OFFSET OVERPAYMENTS OF UNEMPLOYMENT INSURANCE AND OTHER SPECIAL PROGRAM BENEFITS THAT MUST BE REPAYED TO THIS STATE, TO

DEPUTY	DATE MAILED	DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY:
ADJUDICATOR 1262	01/29/16	02/12/16

DEPUTY	DATE MAILED	DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY:
ADJUDICATOR 1262	01/29/16	02/12/16

SS # [REDACTED] UI LO #: 12 UI Acct. #: [REDACTED]

REDETERMINATION

[REDACTED]
 MADISON WI 53713-4608
 PO BOX 283
 SAINT LOUIS MO 63166-0283

Issue Week:	23/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
Week Ending:	06/05/10		

FINDINGS AND DETERMINATION OF THE DEPUTY:

THE DECISION DATED 01/17/15 IS SET ASIDE AND REISSUED DUE TO NEW INFORMATION.

THE CLAIMANT WORKED FOR AND EARNED WAGES FROM [REDACTED]
 THE CLAIMANT EARNED WAGES AS FOLLOWS:

WEEK ENDING	WAGES EARNED	40 OR MORE HRS (X MEANS "YES")	BENEFITS PAID	BENEFITS DUE
06/05/10	\$ 210.19		\$ 331.00	\$ 33.00
06/12/10	\$ 241.57		\$ 142.00	\$ 12.00
06/19/10	\$ 129.27		\$ 141.00	\$ 87.00
06/26/10	\$ 456.12		\$ 139.00	\$.00
07/03/10	\$ 169.49		\$ 133.00	\$ 60.00
07/10/10	\$ 34.42		\$ 154.00	\$ 151.00
07/17/10	\$ 158.73		\$ 149.00	\$ 67.00
07/24/10	\$ 147.66		\$ 145.00	\$ 75.00
07/31/10	\$ 213.31		\$ 149.00	\$ 31.00
08/14/10	\$ 331.67		\$ 153.00	\$.00
08/21/10	\$ 222.46		\$ 140.00	\$ 25.00
08/28/10	\$ 219.81		\$ 153.00	\$ 26.00
09/18/10	\$ 244.08		\$ 154.00	\$ 10.00
10/02/10	\$ 250.26		\$ 145.00	\$ 8.00
10/09/10	\$ 166.44		\$ 148.00	\$ 62.00
10/16/10	\$ 390.77		\$ 144.00	\$.00
10/23/10	\$ 381.27		\$ 135.00	\$.00
10/30/10	\$ 368.54		\$ 133.00	\$.00
11/06/10	\$ 217.84		\$.00	\$.00
11/13/10	\$ 323.00		\$ 136.00	\$ 136.00
11/20/10	\$ 387.42		\$ 141.00	\$.00
11/27/10	\$ 180.19		\$ 137.00	\$ 53.00
12/04/10	\$ 123.73		\$ 137.00	\$ 91.00

DEPUTY ADJUDICATOR 1262 DATE MAILED 01/22/16 DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY: 02/05/16
 UGB-20 R. 7/24/97 (000212)

SS # [REDACTED] UI LO #: 12 UI Acct. #: [REDACTED]

REDETERMINATION

[REDACTED]
 MADISON WI 53713-4608
 PO BOX 283
 SAINT LOUIS MO 63166-0283

Issue Week:	23/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
Week Ending:	06/05/10		

FINDINGS AND DETERMINATION OF THE DEPUTY:

WEEK ENDING	WAGES EARNED	40 OR MORE HRS (X MEANS "YES")	BENEFITS PAID	BENEFITS DUE
12/11/10	\$ 360.66		\$ 145.00	\$.00
12/18/10	\$ 143.00		\$ 144.00	\$ 75.00
01/01/11	\$ 60.53		\$ 133.00	\$ 133.00
01/08/11	\$ 36.13		\$ 175.00	\$ 149.00
01/15/11	\$ 128.24		\$ 178.00	\$ 88.00
01/22/11	\$ 141.76		\$ 168.00	\$ 79.00
01/29/11	\$ 287.57		\$ 175.00	\$.00
02/05/11	\$ 271.01		\$ 173.00	\$.00
02/12/11	\$ 256.49		\$ 45.00	\$.00
02/19/11	\$ 104.27		\$ 169.00	\$ 104.00
03/05/11	\$ 420.01		\$ 135.00	\$.00
03/12/11	\$ 135.86		\$ 128.00	\$ 83.00
03/19/11	\$ 98.63		\$ 126.00	\$ 108.00
03/26/11	\$ 278.65		\$ 148.00	\$.00
04/02/11	\$ 391.68		\$ 140.00	\$.00
04/09/11	\$ 359.38		\$ 141.00	\$.00
04/16/11	\$ 393.33		\$ 138.00	\$.00
04/23/11	\$ 75.99		\$ 133.00	\$ 123.00
04/30/11	\$ 177.31		\$ 146.00	\$ 95.00
05/07/11	\$ 304.44		\$ 130.00	\$.00
05/14/11	\$ 394.94		\$ 143.00	\$.00
05/21/11	\$ 312.62		\$ 141.00	\$.00
05/28/11	\$ 229.97		\$ 139.00	\$ 20.00

NO BENEFITS ARE PAYABLE FOR ANY WEEK IN WHICH THE CLAIMANT WORKED 40 OR MORE HOURS.

BENEFITS PAYABLE FOR ALL OTHER WEEKS ARE CALCULATED BY DISREGARDING THE FIRST \$30 OF TOTAL WAGES AND REDUCING THE WEEKLY BENEFIT RATE BY 67% OF THE REMAINING WAGES.

THE CLAIMANT'S APPLICABLE WEEKLY BENEFIT RATES ARE: \$154.00 AND \$189.00.

DEPUTY ADJUDICATOR 1262 DATE MAILED 01/22/16 DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY: 02/05/16
 UGB-20 R. 7/24/97 (000212)



SS # [REDACTED]
UI LO #: 12
UI Acct. #: [REDACTED]

REDETERMINATION

MARCUS MADISON LLC
SHERATON MADISON HOTEL
TALK UCM SERVICES
PO BOX 283
SAINT LOUIS MO 63166-0283



MADISON WI 53713-4608

Issue Week: Week Ending:	23/10 05/05/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
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FINDINGS AND DETERMINATION OF THE DEPUTY:

EFFECT

WEEKLY BENEFITS OTHERWISE PAYABLE, IF NOT ALREADY A FULL DOLLAR AMOUNT, ARE ROUNDED DOWN TO THE NEAREST DOLLAR.

BENEFITS WERE ERRONEOUSLY PAID BECAUSE THE EMPLOYER DID NOT:
- FILE A TIMELY REQUIRED REPORT, FORM UCB-23.

BENEFITS PAID ERRONEOUSLY AS A RESULT OF THIS ISSUE FROM 05/30/10 THROUGH 05/28/11 WILL REMAIN AND/OR BE CHARGED TO THE ABOVE EMPLOYER PURSUANT TO 108.04(13).

IN ADDITION, THE EMPLOYER WILL NOT RECEIVE A CREDIT FOR THE AMOUNT OF OVERPAID BENEFITS, EVEN IF REPAYMENT IS RECOVERED BY THE DEPARTMENT.

THIS DECISION RESULTS IN AN OVERPAYMENT OF \$ 4657.00 WHICH MUST BE REPAYED BY THE CLAIMANT.

SEND A CHECK OR MONEY ORDER, PAYABLE TO UNEMPLOYMENT INSURANCE, TO THE UNEMPLOYMENT INSURANCE DIVISION, P.O. BOX 7888, MADISON, WI 53707.

THE DEPARTMENT WILL WITHHOLD UNEMPLOYMENT BENEFITS PAYABLE FOR FUTURE WEEKS TO OFFSET OVERPAYMENTS OF UNEMPLOYMENT INSURANCE AND OTHER SPECIAL PROGRAM BENEFITS THAT MUST BE REPAYED TO THIS STATE, TO ANOTHER STATE, OR TO THE FEDERAL GOVERNMENT.

RECOVERY OF THE OVERPAYMENT IS NOT WAIVED UNDER S. 108.22(8)(C) BECAUSE THE ERRONEOUS PAYMENT(S) WERE NOT THE RESULT OF DEPARTMENTAL ERROR AND/OR THEY WERE THE RESULT OF THE CLAIMANT'S FAILURE TO PROVIDE CORRECT AND COMPLETE INFORMATION TO THE DEPARTMENT.

THIS DETERMINATION DOES NOT DISPOSE OF THE ISSUE INVOLVING THE CONCEALMENT

DEPUTY	DATE MAILED	DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY:
ADJUDICATOR 1262	01/22/16	02/05/16

UCB-20 (R. 7/24/07) (000003)



SS # [REDACTED]
UI LO #: 12
UI Acct. #: [REDACTED]

REDETERMINATION

[REDACTED]
[REDACTED]
[REDACTED]
PO BOX 283
SAINT LOUIS MO 63166-0283



MADISON WI 53713-4608

Issue Week: Week Ending:	23/10 06/05/10	Applicable Wisconsin Law:	108.02(26) AND 108.05(3)
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FINDINGS AND DETERMINATION OF THE DEPUTY:

OF WAGES.

THE RESOLUTION OF THIS CONCEALMENT ISSUE WILL BE SET FORTH IN ANOTHER DECISION ISSUED ON THIS SAME DATE OR IN A LATER DECISION.

DEPUTY	DATE MAILED	DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY:
ADJUDICATOR 1262	01/22/16	02/05/16

UCB-20 (R. 7/24/07) (000003)