

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

RICHARD F. STOKES  
JUDGE

1 THE CIRCLE, SUITE 2  
SUSSEX COUNTY COURTHOUSE  
GEORGETOWN, DE 19947

February 4, 2010

Richard D. Parker  
9649 Randall Street  
Laurel, DE 19956

Re: *Parker v. Unemployment Insurance Appeal Board*  
C.A. No. 09A-08-003-RFS

Dear Mr. Parker,

Pending before me is your appeal of a decision of the Unemployment Insurance Appeal Board (“Board”). After carefully reviewing your letter and the record as a whole, I conclude that the Board’s decision must be affirmed. That is, you are responsible for the recoupment of \$990 in benefits that were overpaid to you after your retirement at the end of September 2008. The record shows that you were laid off at some point in September 2008 and initially planned to return to the work force. Instead you retired. You filed your claim with the Division of Unemployment on September 14, 2008, and were awarded \$330 per week in benefits.

On October 27, 2008, a Claims Deputy determined that you had retired and were therefore ineligible for receipt of benefits for the week ending 10/04/08. The Deputy’s notice of determination stated that it became final on 11/06/08 unless a written appeal was received or postmarked on or before that date. You did not appeal that decision, and it stands as a final order.

The record also shows that on September 16, 2008, you signed a Notice of Benefit Rights

and Responsibilities. The Notice explains a claimant's responsibility for recoupment of benefits for any period of disqualification, as set forth in Title 19 *Del. C.* § 3325.

On March 2, 2009, a Claims Deputy determined that an overpayment of benefits in the amount of \$990 was issued to you for the weeks 10/04/08 through 10/18/08, and that you were liable for repayment of those funds. You filed a timely appeal of that decision. The Appeals Referee heard testimony and affirmed the overpayment decision. You appealed that decision to the Board. The Board also held a hearing and ultimately affirmed the Referee's decision that you are liable for the recoupment of the \$990 overpayment.

On appeal of a decision of an administrative board, this Court is limited to a determination of whether there is substantial evidence to support the board's findings and whether the decision is free from legal error.<sup>1</sup> In this case, the Board's decision reflects that the Board thoroughly reviewed the record in reaching its conclusions and correctly applied the law to the facts. The Court finds that there is substantial evidence, as set forth in this Order, to support those conclusions and that the decision is free from legal error. The Board's decision is **AFFIRMED.**

**IT IS SO ORDERED.**

Sincerely yours,

Richard F. Stokes, Judge

Original to Prothonotary

XC: Unemployment Ins. Appeal Bd.

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<sup>1</sup>Title 19 *Del. C.* § 3323(a); *Kondzielawa v. Ferry*, 2003 WL 21350538 (Del. Super.).

