

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

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

January 18, 2012

Grace H. Crescenzo
34386 Holly Pine Drive
Millsboro, DE 19966

Thomas H. Ellis, Esquire
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801

Re: *Crescenzo v. Unemployment Insurance Appeal Board*
C.A. No. S11A-03-006 RFS

Dear Ms. Crescenzo and Mr. Ellis:

Claimant Grace Crescenzo has appealed a recoupment decision of the Unemployment Insurance Appeal Board ("Board").

The record shows that Claimant filed two claims for unemployment benefits within several months of each other. A claims deputy determined that Claimant is responsible for the repayment of benefits from both periods of time. The appeals referee held a hearing and affirmed. Claimant's submission on appeal to the Board argued both claims. However, the Board addressed only one of the claims.

For this reason, the record before the Court is incomplete, and the case is remanded to the Board to resolve both of the claims.

IT IS SO ORDERED.

Very truly yours,

Richard F. Stokes

cc: Prothonotary

the following facts. Claimant received unemployment benefits of \$330 per week under a federal emergency extension program. In 2009 Claimant worked a few months for Generation Home Care and put in a new claim when the position ended. She continued to received the weekly \$330 checks and, for a period of time, also received \$94 weekly checks on the Generations claim. Claimant cashed the \$330 checks but not the \$94 checks..

In November 2009, a claims deputy determined that Claimant was liable for repayment of the federal monies under 19 *Del.C.* § 3325, the recoupment statute. The appeals referee held a hearing and affirmed, as did the Board.

The Board found that Claimant received approximately six weeks' worth of federal benefits to which she was not entitled. The Board stated that this mistake was the result of errors on the part of the Department and Generation Care. The Board correctly

stated that regardless of the cause of the error, Claimant is liable for the recoupment under the recoupment statute.

The record substantially supports the Board's conclusion, and the Board correctly applied the law to the facts.