

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

RICHARD F. STOKES  
JUDGE

SUSSEX COUNTY COURTHOUSE  
1 THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
TELEPHONE (302) 856-5264

December 4, 2012

Jeanne N. Long  
304 North Blvd.  
Salisbury, MD 21801

Thomas H. Ellis, Esquire  
Deputy Attorney General  
820 North French St.  
Wilmington, DE 19801

RE: ***Jeanne Long v. Unemployment Ins. Appeal Bd.***  
C.A. No. S12A-06-003 RFS

*Upon Appeal of a Decision of the Unemployment Ins. Appeal Bd.  
Decision Affirmed.*

Dear Ms. Long and Counsel:

As noted by the Board and its attorney, the outcome of Ms. Long's appeal is governed by unambiguous statutory law. Ms. Long is liable for repayment of benefits in the amount of \$5,525.00 pursuant to 19 *Del.C.* § 3325. While Ms. Long argues equitable estoppel, the statute in its current form does not provide for equitable considerations.<sup>1</sup>

Ms. Long filed for benefits and received them from April 9, 2011 through October 29, 2011. In May 2011, she contacted both her employer and the Division of Unemployment to say she was receiving benefits even though she worked for a non-profit organization that did not pay into the unemployment insurance fund. She continued to receive benefits.

In December 2011, the Benefit Payment Control Unit found that due to mistake, Ms. Long was liable for repayment of \$5,525.00. This decision was affirmed by the appeals referee and the Unemployment Insurance Appeal Board ("Board").

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<sup>1</sup>*Davis v. Unemployment Ins. Appeal Bd.*, 1990 WL 35234 (Del.Super.)(finding that General Assembly's 1985 amendment of 19 *Del.C.* § 3325 was intended to eliminate equitable issues, such as that recognized in *Snead v. Unemployment Ins. Appeal Bd.*, 486 A.2d 676 (Del.1984), based on language of synopsis stating that protection of unemployment benefits fund "requires recoupment of all overpayments." H.B. No. 291, 133<sup>rd</sup> General Assembly, June 11, 1985).

At the Board hearing, Ms. Long acknowledged that she was aware that she signed the document setting forth the terms of the recoupment statute, but she questioned its fairness in her case. The Board noted that she appealed for mercy but correctly stated that § 3325 makes no provision for exceptions.

Under § 3325, Ms. Long is liable to repay the amount received in overpayment. She signed the form to that effect and testified that she understood it. The Board's decision is supported by substantial evidence and is free from legal error.

The decision of the Board is **AFFIRMED** and the appeal is **DENIED**.

Very truly yours,

*/s/ Richard F. Stokes*

Richard F. Stokes

Original to Prothonotary