

# ARKANSAS COURT OF APPEALS

DIVISION IV

No. E12-168

ARGEAN HICKS

APPELLANT

V.

DIRECTOR, DEPARTMENT OF  
WORKFORCE SERVICES

APPELLEE

**Opinion Delivered** September 19, 2012

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW  
[No. 2010-BR-02773 EUC]

REMANDED FOR FINDINGS &  
CLARIFICATION

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## LARRY D. VAUGHT, Chief Judge

Appellant, Argean Hicks, received \$9120 in emergency unemployment (EU) benefits. These benefits are available from federal funds, but the payment and compensation laws of the state apply to EU claims. Act of June 30, 2008, Pub. L. No. 110-252, § 4001(d)(2), 122 Stat. 2323 (2008). The record reflects that the Department of Workforce Services subsequently determined that the benefits had been paid erroneously because of a department error through no fault of appellant. The department further found that she was entitled to regular unemployment benefits for the same period and was required to repay the EU benefits through setoffs.

Appellant appealed to the Appeal Tribunal. The hearing officer found that appellant was financially able and liable to repay the overpayment, that over half of the funds had already been recouped from regular payments, and that appellant was eligible for further benefits. Appellant appealed to the Board of Review. The Board affirmed the Appeal Tribunal but found that appellant was liable for \$9120 and made no findings or reference to any setoffs to which appellant was entitled. Appellant now appeals to this court.



Cite as 2012 Ark. App. 492

At the telephonic hearing and in her letter of appeal to this court, appellant does not deny that she was erroneously paid the EU benefits or that the department has a right to setoffs. However, she maintains that the benefits have all been recouped and that she has been given conflicting information that makes it impossible for her to know what, if anything, she owes. We agree with her to the extent that the record before us is unclear. There are several documents in the record that indicate varying balances due: \$4441 (R. 70); \$3468 (letter from General Counsel Roger Harrod 12-16-2011); and \$9120 (opinion of Board).

We cannot reach the merits of appellant's appeal without findings of fact and conclusions of law to review. We therefore remand to the Board of Review for findings establishing the amount of the overpayment, the amount that has been recovered, and what amount, if any, that appellant still owes.

Remanded for findings and clarification.

GLOVER and MARTIN, JJ., agree.