

Cite as 2022 Ark. App. 152

# ARKANSAS COURT OF APPEALS

DIVISION III

No. E-21-344

DENISE SPICER

APPELLANT

V.

DIRECTOR, DIVISION OF  
WORKFORCE SERVICES

APPELLEE

Opinion Delivered April 6, 2022

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW

[NO. 2021-BR-00848]

REMANDED TO SUPPLEMENT  
THE RECORD

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## BART F. VIRDEN, Judge

Appellant, Denise Spicer, appeals an adverse ruling of the Board of Review (Board) affirming the Appeal Tribunal's (Tribunal's) finding that she is required to repay unemployment benefits. We remand to supplement the record.

On October 14, 2020, the Division of Workforce Services (DWS) issued a "Notice of Nonfraud Overpayment Determination" finding that Spicer must repay \$13,663 in unemployment benefits for which she had initially been found eligible but was later disqualified. She timely appealed to the Tribunal. A hearing was held on January 21, 2021, addressing not only this notice but also issues involving the disqualification of the underlying unemployment-benefits claim and a notice of fraudulent payment received by Spicer. The subsequent findings entered by the Tribunal indicate that the finding of fraud was overturned. The Tribunal also found, in a letter decision mailed January 22, 2021, that

Spicer had timely appealed the denial of her underlying unemployment-benefits claim. That letter decision noted that the disqualification issue would be taken up at a future hearing. Also on January 22, the Tribunal mailed a separate letter decision affirming the DWS finding that Spicer must repay the prior “nonfraudulent” unemployment benefits she received. On appeal, the Board summarily upheld the nonfraudulent-repayment finding, and Spicer has now appealed from that decision.<sup>1</sup>

Our record does not contain the final determination of Spicer’s underlying unemployment-benefits claim, and the Board’s decision does not reference the outcome. This information is essential to a proper review of whether the benefits at issue need to be repaid. *See Van Venrooij v. Dir.*, 2021 Ark. App. 213. Therefore, we cannot reach the merits of her claim at this time.

This case is remanded to the Board to supplement the record to include a copy of the final decision in Spicer’s underlying employment claim.

Remanded to supplement the record.

ABRAMSON and MURPHY, JJ., agree.

*Denise R. Spicer*, pro se appellant.

*Cynthia L. Uhrynowycz*, Associate General Counsel, for appellee.

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<sup>1</sup>At the time of the January 21 Tribunal hearing, the underlying unemployment-benefits appeal was docketed as 2020-AT-15637; the nonfraudulent-overpayment appeal as 2020-AT-15638; and the fraudulent-overpayment appeal as 2020-AT-14199. The record reflects that the fraudulent-overpayment appeal was resolved in Spicer’s favor by the Tribunal, and it was not docketed for appeal by the Board.