

Cite as 2023 Ark. App. 486
ARKANSAS COURT OF APPEALS
DIVISION II
No. E-22-392

TIARRA LONDON

APPELLANT

V.

DIRECTOR, DIVISION OF
WORKFORCE SERVICES

APPELLEE

Opinion Delivered November 1, 2023

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2022-BR-00579]

REMANDED

RAYMOND R. ABRAMSON, Judge

Tiarra London (“London”) appeals the Arkansas Board of Review’s (“Board’s”) decision affirming the overpayment determination issued by the Division of Workforce Services (“Division”) under Ark. Code Ann. § 11-10-532(b) (Supp. 2021) holding London liable to repay \$6,015. The issue before us is whether the requirement that London repay the overpayment should be waived because (1) the overpayment was caused as a direct result of the Division’s error; and (2) requiring repayment by London would be against the principles of equity and good conscience. On the basis of the record before us, we must remand for findings of fact.

The record indicates that London filed continued claims for benefits from the weeks ending May 2, 2020, through September 12, 2020. She received \$6,015 in unemployment compensation for the claims filed. On June 17, 2022, the Division issued a determination

that London became disqualified from receiving benefits on August 30, 2021. The decision disqualifying London from unemployment benefits was ultimately upheld by the Board in a separate appeal and affirmed by this court in *London v. Director*, No. E-22-391 (Ark. App. Nov. 1, 2023) (aff'd without written opinion). That underlying disqualification is therefore not before us. In this separate appeal, we address only the issue of repayment.

Board decisions are upheld if they are supported by substantial evidence. *Blanton v. Dir.*, 2019 Ark. App. 205, 575 S.W.3d 186. Substantial evidence is such relevant evidence that reasonable minds might accept as adequate to support a conclusion. *Id.* In appeals of unemployment-compensation cases, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Board's findings. *Id.* Even if there is evidence that could support a different decision, our review is limited to whether the Board could have reasonably reached its decision based on the evidence presented. *Id.* However, our function on appeal is not merely to rubber-stamp decisions arising from the Board. *Thomas v. Dir.*, 2019 Ark. App. 468, 587 S.W.3d 612; *Wilson v. Dir.*, 2017 Ark. App. 171, 517 S.W.3d 427.

The Board must make findings of fact for this court to review. *See Ferren v. Dir.*, 59 Ark. App. 213, 956 S.W.2d 198 (1997). A conclusory statement that does not detail or analyze the facts upon which it is based is not sufficient. *Id.* In the instant case, the Board simply stated: "The Division's issuance of the Non-Fraud Overpayment Determination was not attributable to a Division error which directly resulted in the overpayment and as such the principles of equity and good conscience cannot be applied." Nowhere in the record

before us are there any findings or an explanation as to why this overpayment was not a Division error and, if it were, whether repayment would be contrary to equity and good conscience.

If adequate findings of fact are not made on the issue presented, we remand to the Board for findings of fact and conclusions of law upon which to perform proper appellate review. *Pillow v. Dir.*, 2022 Ark. App. 341, at 4. Because the Board failed to make the requisite findings on the overpayment and repayment issues, we accordingly remand to the Board to do so.

Remanded.

KLAPPENBACH and THYER, JJ., agree.

Tiarra London, pro se appellant.

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