

1-17-2014

Bell v. Idaho Department of Labor Clerk's Record v. 1 Dckt. 41592

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BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

CHARLES C. BELL,

Claimant/Appellant,

v.

SEARS,

Employer/Respondent,

and

IDAHO DEPARTMENT OF LABOR,

Respondent.

vs. 1 8 2
SUPREME COURT NO. 41542

411592
LAW CLERK

AGENCY RECORD

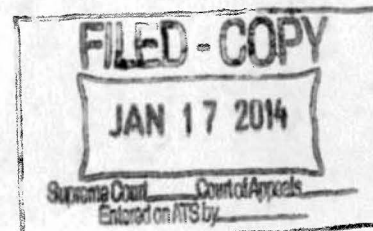
BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

For Claimant/Appellant

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

For Respondent

TRACEY K. ROLFSEN
DEPUTY ATTORNEY GENERAL
317 W MAIN STREET
BOISE ID 83735



411592

COPY

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LIST OF EXHIBITS

HEARING TRANSCRIPT taken on July 9, 2013 will be lodged with the supreme court.

EXHIBITS ADMITTED into record before IDAHO DEPARTMENT OF LABOR

- Exhibit 1Notice of Telephone Hearing, mailed June 24, 2013 (3 pages)
- Exhibit 2Important Information About Your Hearing Read Carefully (2 pages)
- Exhibit 2BUnemployment Insurance Claimant Benefit Rights, Responsibilities and Filing Instructions (9 pages)
- Exhibit 3Idaho Department of Labor Examiner's Notes (5 pages)
- Exhibit 3BIdaho Department of Labor Examiner's Notes (2 pages)
- Exhibit 3CIdaho Department of Labor Examiner's Notes (2 pages)
- Exhibit 3DIdaho Department of Labor Examiner's Notes (2 pages)
- Exhibit 3EIdaho Department of Labor Examiner's Notes (2 pages)
- Exhibit 3FIdaho Department of Labor Examiner's Notes (2 pages)
- Exhibit 4Idaho Department of Labor Slides 1 – 18 (3 pages)
- Exhibit 5Welcome to the Idaho Electronic Claims Process (12 pages)
- Exhibit 6Idaho Department of Labor Claimant Benefit Rights and Responsibilities (1 page)
- Exhibit 7Welcome to the Idaho Continued Claim System (4 pages)
- Exhibit 8UI Summary (7 pages)
- Exhibit 9Idaho Works – ATTENTION (3 pages)
- Exhibit 10Claimant Profile Data (1 page)
- Exhibit 11IVRU Reports (10 pages)
- Exhibit 11BTel-A-Claim Call History (2 pages)

- Exhibit 12.....Benefit Payment History (2 pages)
- Exhibit 13.....Overpayment Data (5 pages)
- Exhibit 14.....Idaho Department of Labor Notes (1 pages)
- Exhibit 15.....Claimant's Pay Records (3 pages)
- Exhibit 16.....Request for Verification of Earnings and Separation (14 pages)
- Exhibit 17.....Request for Information (1 pages)
- Exhibit 18.....Claimant's Correspondence Regarding Eligibility Determination (1 page)
- Exhibit 19.....Requested Hours Accounting for Charles Christian Bell (2 pages)
- Exhibit 20.....Employer's Representative's Information on Claimant's Wages (4 pages)
- Exhibit 21.....Employer's Representative's Information on Claimant's Wages (3 pages)
- Exhibit 22.....Claimant's Report of Hours and Wages (11 pages)
- Exhibit 23.....Claimant's Answers to Questions (3 pages)
- Exhibit 24.....Idaho Department of Labor Questions for Claimant (2 pages)
- Exhibit 25.....Employer's Report of Claimant's Earnings (13 pages)
- Exhibit 26.....Employer's Report of Claimant's Earnings (1 page)
- Exhibit 27.....Segment 07 Changes (pages 1 - 7)
- Exhibit 28.....Segment 07 Changes (pages 8 – 29)
- Exhibit 29.....Segment 07 changes (pages 30 – 35)
- Exhibit 30.....Eligibility Determination Unemployment Insurance Claim (3 pages)
- Exhibit 31.....Eligibility Determination Unemployment Insurance Claim (5 pages)
- Exhibit 32.....Determination of Overpayment (4 pages)
- Exhibit 33.....Explanation of Improper Payment (2 pages)
- Exhibit 34.....Claimant's Filing of Protest (33 pages)

APPEALS BUREAU
IDAHO DEPARTMENT OF LABOR
317 WEST MAIN STREET / BOISE, IDAHO 83735-0720
(208) 332-3572 / (800) 621-4938
FAX: (208) 334-6440

CHARLES C BELL,)
SSN: [REDACTED])
Claimant)
vs.)
SEARS,) **DOCKET NUMBER 4832-2013**
Employer) **DECISION OF APPEALS EXAMINER**
and)
IDAHO DEPARTMENT OF LABOR)
_____)

DECISION

Benefits are **DENIED** effective November 11, 2012 through December 1, 2012, effective December 9, 2012 through December 22, 2012, effective January 6, 2013 through January 12, 2013, effective January 20, 2013 through February 2, 2013, and effective February 10, 2013 through February 16, 2013.

The Eligibility Determinations dated June 3, 2013, which concluded that the claimant was fully employed, are hereby **AFFIRMED**.

Benefits are **DENIED** effective September 23, 2012 through September 29, 2012, effective October 7, 2012 through October 27, 2012, effective November 4, 2012 through February 2, 2013, effective February 10, 2013 through March 2, 2013, and effective March 10, 2013 through March 23, 2013. The claimant is also **NOT ELIGIBLE** for benefits effective May 26, 2013 through May 24, 2014.

The Eligibility Determination dated May 31, 2013, which concluded that the claimant willfully made false statement or willfully failed to report a material fact in order to obtain unemployment insurance benefits, is hereby **AFFIRMED**.

Waiver of the requirement that the claimant repay benefits owed to the Employment Security Fund is **NOT GRANTED**.

HISTORY OF THE CASE

The above-entitled matter was heard by Thomas J. Holden, Appeals Examiner for the Idaho Department of Labor, on July 9, 2013, by telephone in the City of Boise, in accordance with §72-1368(6) of the Idaho Employment Security Law.

The claimant, Charles Bell, participated in the hearing.

The employer, Sears, did not participate in the hearing.

The respondent, the Idaho Department of Labor, was represented in the hearing by Elaine Mattson.

ISSUES

The issues before the Department are whether the claimant is unemployed, according to §72-1312 of the Idaho Employment Security Law; and whether the claimant willfully made a false statement or willfully failed to report a material fact in order to obtain unemployment insurance benefits, according to § 72-1366(12) of the Idaho Employment Security Law; and whether the claimant is ineligible for waiting week credit or benefits, as a result of having willfully made a false statement or willfully failed to report a material fact, according to §§ 72-1329 and 72-1366(12) of the Idaho Employment Security Law; and whether the claimant is subject to a (25%/50%/100%) civil penalty as a result of having made a false statement or failed to report a material fact according to § 72-1369(2) of the Idaho Employment Security Law; and whether the claimant has received benefits to which s/he was not entitled, and if so, whether the requirement to repay benefits owed to the Employment Security Fund may be waived, according to §72-1369(5) of the Idaho Employment Security Law.

FINDINGS OF FACT

Based on the exhibits and testimony in the record, the following facts are found:

1. The claimant worked full-time for Sears for the weeks of November 11, 2012 through December 1, 2012, December 9, 2012 through December 22, 2012, January 6, 2013 through January 12, 2013, January 20, 2013 through February 2, 2013, and February 10, 2013 through February 16, 2013.
2. The claimant underreported his earnings to the Department of Labor for a number of weeks. The claimant also failed to report to the Department of Labor that he worked full-time.

AUTHORITY

Section 72-1312 of the Idaho Employment Security Law provides that a "compensable week" means a week of unemployment, all of which occurred within the benefit year, for which an eligible claimant is entitled to benefits and during which the claimant had either no work or less than full-time work and the total wages paid to the claimant for less than full-time work performed in such a week amounted to less than one and one-half (1 1/2) times his weekly benefit amount.

Section 72-1366(12) of the Idaho Employment Security Law provides that a claimant shall not be entitled to benefits for a period of fifty-two (52) weeks if it is determined that he has willfully made a false statement or willfully failed to report a material fact in order to obtain benefits. The period of disqualification shall commence the week the determination is issued. The claimant shall also be ineligible for waiting week credit and shall repay any sums received for any week

for which the claimant received waiting week credit or benefits as a result of having willfully made a false statement or willfully failed to report a material fact. The claimant shall also be ineligible for waiting week credit or benefits for any week in which he owes the department an overpayment, civil penalty, or interest resulting from a determination that he willfully made a false statement or willfully failed to report a material fact.

"Willfully" implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, in the sense of having an evil or corrupt motive or intent. It does imply a conscious wrong, and may be distinguished from an act maliciously or corruptly done in that it does not necessarily imply an evil mind, but is more nearly synonymous with "intentionally," "designedly," and therefore not accidental. Meyer vs. Skyline Mobile Homes, 99 Idaho 77, 589 P.2d 89 (1979).

A finding that a benefit claimant knew or thought it highly probable that he or she did not know what information a question solicited but nevertheless deliberately chose to respond without pursuing clarification would ordinarily support a conclusion of willful falsehood or concealment. Meyer vs. Skyline Mobile Homes, 99 Idaho 77, 589 P.2d 89 (1979).

Section 72-1369(2) provides: The director shall assess the following monetary penalties for each determination in which the claimant is found to have made a false statement, misrepresentation, or failed to report a material fact to the department:

- (a) Twenty-five percent (25%) of any resulting overpayment for the first determination;
- (b) Fifty percent (50%) of any resulting overpayment for the second determination; and
- (c) One hundred percent (100%) of any resulting overpayment for the third and any subsequent determination.

Section 72-1369(5)(a) of the Idaho Employment Security Law provides: (5) The director may waive the requirement to repay an overpayment, other than one resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, and interest thereon, if: (a) the benefit payments were made solely as a result of department error or inadvertence and made to a claimant who could not reasonably have been expected to recognize the error.

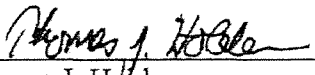
In order for repayment of an erroneously paid benefit to be waived, the claimant must show:

- (1) that such payments were not the result of a false statement, misrepresentation or concealment of a material fact by the claimant
- (2) that such payments were made solely as a result of department error or inadvertence; and,
- (3) that such payments were made to a claimant who had no way of knowing that he [or she] was receiving benefits to which he [or she] was not entitled. Blavney vs. City of Boise, 110 Idaho 302, 307, 715 P.2d 972, 977 (1986)

CONCLUSIONS

The claimant worked full time for Sears in several weeks. Because the claimant worked full time, he is not considered unemployed and is therefore ineligible for benefits effective November 11, 2012 through December 1, 2012, effective December 9, 2012 through December 22, 2012, effective January 6, 2013 through January 12, 2013, effective January 20, 2013 through February 2, 2013, and effective February 10, 2013 through February 16, 2013.

The claimant failed to report working full-time to the Department of Labor, and the claimant misreported his earnings in a number of weeks. The claimant has not provided a reasonable explanation for failing to provide accurate information to the Department of Labor. It must be concluded that the claimant willfully made false statements or representations or willfully failed to report material facts in order to obtain unemployment insurance benefits. Therefore, the claimant is ineligible for benefits, and the claimant does not meet the criteria for a waiver of the requirement that he repay benefits owed to the Employment Security Fund. Penalty amounts are mandated by statute and cannot be waived or changed.


Thomas J. Holden
Appeals Examiner

Date of Mailing July 12, 2013 Last Day To Appeal July 26, 2013

APPEAL RIGHTS

You have FOURTEEN (14) DAYS FROM THE DATE OF MAILING to file a written appeal with the Idaho Industrial Commission. The appeal must be mailed to:

Idaho Industrial Commission
Judicial Division, IDOL Appeals
P.O. Box 83720
Boise, Idaho 83720-0041

Or delivered in person to:

Idaho Industrial Commission
700 S Clearwater Lane
Boise, ID 83712

Or transmitted by facsimile to:

(208) 332-7558.

If the appeal is mailed, it must be postmarked no later than the last day to appeal. An appeal filed by facsimile transmission must be received by the Commission by 5:00 p.m., Mountain Time, on the last day to appeal. A facsimile transmission received after 5:00 p.m. will be deemed received by the Commission on the next business day. A late appeal will be dismissed. Appeals filed by any means with the Appeals Bureau or a Department of Labor local office will not be accepted by the Commission. **TO EMPLOYERS WHO ARE INCORPORATED:** *If you file an appeal with the Idaho Industrial Commission, the appeal must be signed by a corporate officer or legal counsel licensed to practice in the State of Idaho and the signature must include the individual's title. The Commission will not consider appeals submitted by employer representatives who are not attorneys. If you request a hearing before the Commission or permission to file a legal brief, you must make these requests through legal counsel licensed to practice in the State of Idaho. Questions should be directed to the Idaho Industrial Commission, Unemployment Appeals, (208) 334-6024.*

If no appeal is filed, this decision will become final and cannot be changed. **TO CLAIMANT:** If this decision is changed, any benefits paid will be subject to repayment. If an appeal is filed, you should continue to report on your claim as long as you are unemployed.

APPEALS BUREAU
IDAHO DEPARTMENT OF LABOR
317 WEST MAIN STREET / BOISE, IDAHO 83735-0720
(208) 332-3572 / (800) 621-4938
FAX: (208) 334-6440

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2013, a true and correct copy of **Decision of Appeals Examiner** was served by regular United States mail upon each of the following:

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

SEARS-TALX UC EXPRESS
PO BOX 173860
DENVER CO 80217-3860

IDAHO DEPARTMENT OF LABOR
ATTN: ADJUDICATOR
317 W MAIN ST
BOISE ID 837350740



July 18, 2013

URGENT APPEAL

sent via fax to: 208-332-7558

INDUSTRIAL COMMISSION

JUL 18 2013

FILED

Idaho Industrial Commission
Judicial Division - IDOL Appeals
PO Box 83720
Boise, ID 83720-0041

re: Docket Number 4832-2013

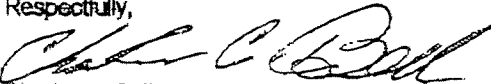
Dear Idaho Decision of Appeals Examiner,

This communication conveys Charles Christian Bell's (claimant's) appeal, and unwavering and adamant disagreement to the aforementioned determination, and what claimant considers an invalid, unjust, inaccurate, and unlawful decision according to the State of Idaho Employment Security Laws. Claimant respectfully appeals aforementioned decision for the following reasons, as previously conveyed with sworn testimony during telephone hearing on Tuesday, July 9, 2013, @ 10:00 a.m., concluding at approximately 10:50 a.m., and reiterated as follows:

1. There remains **NO** evidence to suggest, prove, nor substantiate a willful intent or interest in misleading, misappropriating, or defrauding the Idaho Department of Labor (DOL) in any manner, shape, way or form in claimant's filing for unemployment benefits, while employed at Sears.
 - a. To claimant's full knowledge, awareness, and understanding, claimant's employment was regarded as, and categorized by Sears management and human resources manager, as part-time and temporary.
 - b. DOL documentation substantiates claimant consistently filed the weekly unemployment claim(s) with full intent of accuracy at time of filing, and within the designated timeframe as set and regulated by DOL.
 - i. Claimant filed the disputed unemployment claims (hours and pay) based solely on available and current weekly information as gleaned from the Sear's human resources website, as directed by Sears management and human resources manager, for obtaining accurate and updated weekly hours and pay amounts for employees.
 - ii. Claimant was only made aware of potential disparities in the aforementioned filings by DOL approximately 5 months after initial filing.
 - It was / is implausible that claimant forecast / predict the information utilized by the claimant for reporting of hours and wages, as provided to the claimant by Sears, claimant's employer, was at the time and filing of unemployment claim(s), incomplete or incorrect.
2. Claimant is more than offended by the destructive inferences to claimant's integrity, self-respect, and basic morality as brought forth within the decidedly flawed and erroneous claims of DOL. These claims are NOT part of claimant's proven and substantiated personal paradigm of fairness / justice. Claimant NEVER with intent willfully, willingly or knowingly, moved to lie, deceive, mislead, cheat, falsify, nor swindle the DOL to obtain money not rightfully owed or due to claimant. Claimant is acknowledged and personally identified as a person who goes out of their way for his fellow man, striving for equality and justice in whatever claimant sets out to do.
 - a. It remains a substantiated and indisputable fact that claimant continually attempted, and fully intended to truthfully and in a timely manner, file unemployment claims with accuracy, integrity, and forethought, with employment information (hours and pay) currently available to claimant at the time of filing, as well as respond to DOL queries promptly and with the utmost accuracy and integrity. If errors were made on claimant's part or that of the DOL, claimant consistently freely and willingly responded, and remained more than eager to accurately and expediently rectify them.
 - b. Throughout this timeframe, claimant undeniably and compliantly followed and adhered to what claimant perceived, believed, understood, and interpreted as the correct rules and regulations for timely and accurate filing of unemployment claims.
 - i. Throughout this timeframe, however, DOL continued unemployment benefit payments to claimant, with NO stoppage of benefits and NO queries to claimant by DOL, until April 3, 2013.
3. Due to considerable substantiated and indisputable fact(s) that Charles C. Bell **DID NOT** willfully, willingly, knowingly, nor with intent misrepresent nor falsify any documents to obtain unemployment benefits, as conveyed by claimant during the telephone hearing of Tuesday, July 9, 2013, with validation through application and intent of the following state statutes and laws, the aforementioned decision must be overturned:

a. <u>S 72-1312 of ID Employment Security Law</u>	d. <u>SS 72-1366(12) of ID Employment Security Law</u>
b. <u>S72-1329 of ID Employment Security Law</u>	e. <u>SS 72-1369(2) of ID Employment Security Law</u>
c. <u>S72-1366(12) of ID Employment Security Law</u>	f. <u>SS 72-1369(5) of ID Employment Security Law</u>

Respectfully,



Charles C. Bell
554272454
1009 Terra Avenue
Twin Falls, ID 83301
208.293.4577
charleschristianbell@gmail.com

cc: via email to Roger.Madsen@labor.idaho.gov

July 18, 2013

URGENT APPEAL

sent via fax to: 208-332-7558

INDUSTRIAL COMMISSION

FILED
JUL 18 2013

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 - b. DOL documentation substantiates claimant consistently filed the weekly unemployment claim(s) with full intent of accuracy at time of filing, and within the designated timeframe as set and regulated by DOL.
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2. Claimant is more than offended by the destructive inferences to claimant's integrity, self-respect, and basic morality as brought forth within the decidedly flawed and erroneous claims of DOL. These claims are NOT part of claimant's proven and substantiated personal paradigm of fairness / justice. Claimant NEVER with intent willfully, willingly or knowingly, moved to lie, deceive, mislead, cheat, falsify, nor swindle the DOL to obtain money not rightfully owed or due to claimant. Claimant is acknowledged and personally identified as a person who goes out of their way for his fellow man, striving for equality and justice in whatever claimant sets out to do.
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Charles C. Bell
554272454
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208.293.4577
charleschristianbell@gmail.com

cc: via email to Roger.Madsen@labor.idaho.gov

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a. <u>S 72-1312 of ID Employment Security Law</u>	d. <u>SS 72-1366(12) of ID Employment Security Law</u>
b. <u>S72-1329 of ID Employment Security Law</u>	e. <u>SS 72-1369(2) of ID Employment Security Law</u>
c. <u>S72-1366(12) of ID Employment Security Law</u>	f. <u>SS 72-1369(5) of ID Employment Security Law</u>

Respectfully,



Charles C. Bell
554272454
1009 Terra Avenue
Twin Falls, ID 83301
208.293.4577
charleschristianbell@gmail.com

RECEIVED
IDaho Industrial Commission
JUL 19 AM 10:46

cc: via email to Roger.Madsen@labor.idaho.gov

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CHARLES C. BELL
SSN [REDACTED]

Claimant,

v.

SEARS,

Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 4832-2013

NOTICE OF FILING
OF APPEAL

FILED

JUL 24 2013

INDUSTRIAL COMMISSION

PLEASE TAKE NOTICE: The Industrial Commission has received an appeal from a decision of an Appeals Examiner of the Idaho Department of Labor. A copy of the appeal is enclosed, along with a copy of the Commission's Rules of Appellate Practice and Procedure.

PLEASE READ ALL THE RULES CAREFULLY

The Industrial Commission promptly processes all unemployment appeals in the order received. In the mean time, you may want to visit our web site for more information: www.iic.idaho.gov.

The Commission will make its decision in this appeal based on the record of the proceedings before the Appeals Examiner of the Idaho Department of Labor.

INDUSTRIAL COMMISSION
UNEMPLOYMENT APPEALS DIVISION
POST OFFICE BOX 83720
BOISE IDAHO 83720-0041
(208) 334-6024

Calls Received by the Industrial Commission May Be Recorded

NOTICE OF FILING OF APPEAL - 1

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of July, 2013 a true and correct copy of the **Notice of Filing of Appeal and compact disc of the Hearing** were served by regular United States mail upon the following:

APPEAL:

IDAHO DEPARTMENT OF LABOR
ATTN ADJUDICATOR
317 W MAIN ST
BOISE ID 83735-0740

APPEAL AND DISC:

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh



Assistant Commission Secretary

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CRAIG G. BLEDSOE – ISB# 3431
TRACEY K. ROLFSEN – ISB# 4050
CHERYL GEORGE – ISB# 4213
Deputy Attorneys General
Idaho Department of Labor
317 W. Main Street
Boise, Idaho 83735
Telephone: (208) 332-3570

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CHARLES C BELL,)	
)	
Claimant,)	
)	IDOL NO. 4832-2013
vs.)	
)	
SEARS,)	NOTICE OF APPEARANCE
)	
Employer,)	
)	
and)	FILED
)	AUG - 2 2013
IDAHO DEPARTMENT OF LABOR.)	
)	INDUSTRIAL COMMISSION
_____)	

TO THE ABOVE-NAMED PARTIES:

Please be advised that the undersigned Deputy Attorney General representing the Idaho Department of Labor hereby enters the appearance of said attorneys as the attorneys of record for the State of Idaho, Department of Labor, in the above-entitled proceeding. By statute, the Department of Labor is a party to all unemployment insurance appeals in Idaho.

DATED this 31st day of July, 2013.



Tracey K. Rolfsen
Deputy Attorney General
Attorney for the State of Idaho,
Department of Labor

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF APPEARANCE,
was mailed, postage prepaid, this 31st day of July, 2013, to:

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

SEARS
C/O TALX UC EXPRESS
PO BOX 173860
DENVER CO 80217-3860

Karen Rash

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CHARLES C. BELL,

SSN: [REDACTED]

Claimant,

v.

SEARS,

Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 4832-2013

DECISION AND ORDER

FILED

SEP 16 2013

INDUSTRIAL COMMISSION

Appeal of a Decision issued by an Idaho Department of Labor Appeals Examiner finding Claimant ineligible for unemployment insurance benefits. AFFIRMED but MODIFIED as to the weeks of ineligibility.

Claimant, Charles C. Bell, appeals a Decision issued by the Idaho Department of Labor ("IDOL" or "Department"). The Appeals Examiner found that Claimant: 1) was not unemployed according to Idaho Code § 72-1312; 2) willfully made a false statement or willfully failed to report a material fact in order to obtain unemployment benefits and is ineligible for benefits and waiting week credit; and, 3) is not entitled to a waiver of the overpayment and must repay the benefits he received, but to which he was not entitled, and pay the associated penalty. Claimant and IDOL participated in the hearing. Employer, Sears, did not appear. Due process was served.

Claimant submitted additional evidence for consideration on appeal. (Claimant's Correspondence, filed July 31, 2013.) Such submissions are construed as a request for a new hearing to augment the record. That issue is addressed below.

The undersigned Commissioners have conducted a *de novo* review of the record pursuant to Idaho Code § 72-1368(7). Spruell v. Allied Meadows Corp., 117 Idaho 277, 279, 787 P.2d 263, 265 (1990). The Commission has relied on the audio recording of the hearing before the Appeals Examiner conducted on July 9, 2013, along with the Exhibits [1 through 34] admitted into the record during that proceeding. The Commission also considered the arguments contained in Claimant's appeal and correspondence that are based on the evidentiary record.

NEW HEARING

Claimant submitted additional factual assertions for consideration on appeal. The additional evidence was not presented to the Appeals Examiner and was not admitted into the record. (Claimant's Correspondence.) The Commission reviews these matters based on the evidence admitted into the record by the Appeals Examiner. However, the Commission has discretion to conduct a new hearing to admit additional evidence if the interests of justice so require. Idaho Code § 72-1368(7). Although Claimant does not specifically request a new hearing, his submission of additional evidence is construed as a request for a new hearing to augment the record.

The record does not show that the interests of justice require a new hearing to admit the additional evidence. Prior to the hearing, Claimant was informed of the issues for the hearing and instructed about the importance of presenting all relevant evidence to the Appeals Examiner. (Exhibits 1 and 2.) However, Claimant did not present the additional evidence to the Appeals Examiner, even though it appears to have been in existence at the time of the hearing.

When a party requests a new hearing to offer additional evidence, the requesting party must provide the "reason why the proposed evidence was not presented before the appeals examiner." Rule 7(B) 5 of the Rules of Appellate Practice and Procedure under the Idaho

Employment Security Law, effective as amended January 1, 2012. Claimant failed to provide any explanation for not presenting the additional factual evidence to the Appeals Examiner. A party's failure to address why the additional evidence was not admitted to the appeals examiner at the time of the hearing can bar the admittance of the evidence at the Commission level. Slaven v. Road to Recovery, 143 Idaho 483, 485, 148 P.3d 1229, 1231 (2006).

Furthermore, Claimant's ability to provide evidence for the Appeals Examiner did not end with the conclusion of the hearing. Claimant could have asked that the Appeals Examiner re-open the hearing to take additional evidence, as described in the documents accompanying the Hearing Notice. (Exhibit 2, p. 2.) The Appeals Bureau's procedure provides a means for admitting additional evidence that was not available for the original hearing. Nevertheless, the record does not indicate that Claimant took advantage of that opportunity.

The Commission takes the position that conducting a new hearing at this level of review is an extraordinary measure and is reserved for those cases when due process or other interests of justice demand no less. No such circumstances exist here. Claimant's request for a new hearing to augment the record with additional evidence is DENIED.

FINDINGS OF FACT

Based on the evidence in record, the Commission sets forth the following Findings of Fact.

1. Claimant worked for Employer. Employer categorized Claimant as a part-time employee. Claimant was not guaranteed full-time hours. However, there were weeks that Claimant would work full-time hours, but he would work less than full-time hours during the following weeks.
2. Claimant worked over 40 hours during the weeks effective November 11, 2012 through December 1, 2012; December 9, 2012 through December 22, 2012; January 6, 2013 through January 12, 2013; January 20, 2013 through February 2, 2013; and February 10, 2013 through February 16, 2013.

3. Claimant has filed for unemployment insurance benefits nine times. During 2012 and 2013, Claimant filed weekly claim reports for benefits while also working for Employer.
4. On his weekly claim reports, Claimant reported he worked and estimated his earnings. Claimant did not compare his estimated reported earnings with his paycheck. He did not contact the Department to correct any incorrect estimates.
5. Each of the nine times that Claimant filed for benefits, IDOL mailed him an Unemployment Insurance Claimant Benefit Rights, Responsibilities and Filing Instructions pamphlet. The pamphlet states that a claimant is responsible for keeping track of time worked, instructs claimants that they must report ALL earnings before deductions, and that filing inaccurately could result in a claimant being ineligible for benefits.
6. The pamphlet further states “If you cannot determine the exact amount you earned, you must estimate weekly earnings as closely as possible. If you do estimate earnings, you must contact your local office when you receive the correct earnings information.”
7. During the claim filing process, Claimant received a “Certification Agreement” in which Claimant had to certify to the statement “I understand that if I work during the week for which I am claiming benefits, I must report all earnings for work performed that week. The amount reported must be my gross wages (**before any deductions**), regardless of whether I have received the pay for the work performed.” The Certification Agreement also had Claimant certify that he understood “that failure to comply with any of these requirements may result in a denial of benefits, in addition to the penalties and repayment obligation...” Claimant also certified that he would read the Unemployment Insurance Claimant Benefit Rights, Responsibilities and Filing Instructions pamphlet that would be mailed to him, and that he was responsible for knowing the information provided in the pamphlet.
8. Claimant previously contacted the Department to correct information that he had reported on his weekly claim reports. However, Claimant did not contact the Department to correct his estimated wage earnings once he received his paychecks from Employer.

DISCUSSION

Unemployed

Claimant worked for Employer during 2012 and 2013 and also filed for unemployment insurance benefits. (Audio Recording.) Claimant provided information to IDOL that indicated that he worked full-time hours during some of the weeks that he filed claims for benefits. IDOL issued five (5) Eligibility Determinations finding Claimant worked full-time and was not

unemployed the weeks effective November 11, 2012 through December 1, 2012; December 9, 2012 through December 22, 2012; January 6, 2013 through January 12, 2013; January 20, 2013 through February 2, 2013; and February 10, 2013 through February 16, 2013. (Exhibit 31.)

In order for a claimant to be eligible for benefits, the claimant must be in a “compensable week.” According to the pertinent portion of Idaho Code § 72-1312, a “compensable week” means a week of unemployment, all of which occurred within the benefit year, for which an eligible claimant is entitled to benefits and during which: (1) [t]he claimant had either no work or less than full-time work.” If Claimant cannot establish that he had no work or less than full-time for the weeks at issue, he is not deemed “unemployed” and is not in a compensable week.

The Idaho Supreme Court has stated that an individual must be unemployed before she or he can be considered for unemployment insurance benefits. Gray v. Brasch & Miller Construction Co., 102 Idaho 14, 16, 624 P.2d 396, 398 (1981). If a claimant is deemed not unemployed, then the claimant has not satisfied the initial prerequisite to qualify for unemployment benefits. Id. The claimant has the burden of proving her/his eligibility for benefits by a preponderance of the evidence whenever the claim is questioned. Guillard v. Department of Employment, 100 Idaho 647, 653, 603 P.2d 981, 987 (1979).

Claimant does not dispute that he worked full-time hours during the weeks in question. During each of those weeks, Claimant worked over 40 hours. (Audio Recording; Exhibit 22, pp. 9, 11.) Claimant explained that he reported he did not work full-time hours because he was a part-time employee with Employer. Therefore, even though Claimant may work 40 or more hours one week, he was not guaranteed 40 hours every week. Therefore, he was a part-time employee. (Audio Recording.)

Regardless of the reason why Claimant reported the way he did, there is still no dispute that Claimant worked forty hours or more during the weeks in question. Claimant worked full-time hours during those weeks. Therefore, during the weeks ending December 1, 2012, December 22, 2012, January 12, 2013, February 2, 2013, and February 16, 2013, Claimant did not satisfy the condition that he “had either no work or less than full-time work” as required by Idaho Code § 72-1312. Claimant is ineligible for benefits during those weeks.

Willful Failure to Report Material Facts

Claimant worked for Employer while he was filing for benefits. IDOL discovered discrepancies in the wages Claimant reported on his weekly claim report and the wages Employer reported paying Claimant during those weeks. As a result of his failure to accurately report his wages, IDOL concluded that Claimant willfully failed to report a material fact or made a false statement or representation in order to obtain unemployment insurance benefits for the weeks effective September 23, 2012 through September 29, 2012; October 7, 2012 through October 27, 2012; November 4, 201, through February 2, 2013; February 10, 2013 through March 2, 2013; and March 10, 2013 through March 23, 2013; as well as the statutorily mandated fifty-two (52) week disqualification period effective May 26, 2013 through May 24, 2013. (Audio Recording; Exhibit 10.)

Idaho Code § 72-1366(12) provides that a claimant who willfully makes a false statement or who fails to report a material fact to IDOL in order to obtain benefits is ineligible for any waiting week credit or benefits that he or she received as result of making the willful false statement or failure to report material facts. It is pertinent to note that a claimant who is found ineligible under that code section is disqualified from any benefits he or she received, not a portion thereof or the difference between what a claimant received and what he or she would have been

eligible for had he or she accurately reported on his or her claim. Furthermore, Idaho Code § 72-1366(12) also disqualifies a claimant for a period of fifty-two (52) weeks to any benefits he or she may otherwise be entitled to in the future.

A fact is material “if it is relevant to the determination of a claimant’s right to benefits; it need not actually affect the outcome of the determination.” Meyer v. Skyline Mobile Homes, 99 Idaho 754, 760, 589 P.2d 89, 95 (1979); IDAPA 09.01.04.012. The fact at issue here is Claimant’s failure to accurately report his wages. The amount of a claimant’s wages can affect a claimant’s determination for benefits. Therefore, wages are a material fact for purposes of this proceeding.

Claimant does not contest the wage amounts that he reported to IDOL found in the record. Nor does Claimant dispute the amount of wages IDOL contends Employer reported. (Audio Recording.) Claimant acknowledged that he made some errors when he reported on his weekly claim reports, but contends that his failure to report accurately was not willful. (Audio Recording.) Therefore, the Commission must determine whether Claimant’s failure to report accurately on his claims was willful as defined by Idaho Employment Security Law.

The Idaho Supreme Court has defined “willful” as follows:

“(Willfully) implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, in the sense of having an evil or corrupt motive or intent. It does imply a conscious wrong, and may be distinguished from an act maliciously or corruptly done, in that it does not necessarily imply an evil mind, but is more nearly synonymous with ‘intentionally,’ ‘designedly,’ ‘without lawful excuse,’ and therefore not accidental.”

Meyer, at 761, 589 P.3d at 96. In other words, under the Idaho Supreme Court’s interpretation of the word “willful,” it is not necessary to demonstrate an evil intent on a claimant’s part to reach a conclusion that his/her conduct was willful. Rather, it is sufficient to

find a claimant's actions willful when the Department made the claimant aware of the reporting requirements, but the claimant nonetheless failed to follow the provided information. In Gaehring v. Department of Employment, 100 Idaho 118, 594 P.2d 628 (1979), the Idaho Supreme Court affirmed the Commission's determination that the claimant willfully failed to report his earnings based on evidence that the claimant was aware of the regulations regarding unemployment insurance. Gaehring, 100 Idaho at 119, 594 P.2d at 629.

In this case, the record supports a finding that Claimant's failure to accurately report on his weekly claim reports was willful. As noted above, it is sufficient to find a claimant's error in reporting willful if the claimant was made aware of the regulations, but nonetheless failed to report that information accurately. The record shows that IDOL provided Claimant with sufficient information for Claimant to accurately report wage information to the Department.

Claimant opened a claim for benefits a total of nine times. Each time he filed a claim, Claimant was instructed on how to report accurately. (Audio Recording.) When Claimant opened a claim for benefits, he went through the claim filing process. He received a "Certification Agreement" which stated "I understand that if I work during the week for which I am claiming benefits, I must report all earnings for work performed that week. The amount reported must be my gross wages (**before any deductions**), regardless of whether I have received the pay for the work performed." The Certification agreement also had Claimant certify that he understood "that failure to comply with any of these requirements may result in a denial of benefits, in addition to the penalties and repayment obligation..." (Exhibit 5, p. 10.) Claimant also certified that he would read the Unemployment Insurance Claimant Benefit Rights, Responsibilities and Filing Instructions pamphlet ("Pamphlet") that would be mailed to him and

that he was responsible for knowing the information provided in the Pamphlet. (Exhibit 5, p. 12; Exhibit 6.) Claimant agreed that he went through this information. (Audio Recording.)

The pamphlet sets forth the requirements for filing weekly benefits. (Exhibit 2B.) The Pamphlet specifically states that a claimant is responsible for keeping track of time worked and instructs claimants that they must report ALL earnings before deductions. (Exhibit 2B, p. 3.) It further states that a claimant must report gross earnings and that filing inaccurately could result in a claimant being ineligible for benefits. Lastly, the pamphlet instructed Claimant that he could estimate his wages on his weekly claim reports, but in the event he did so, he was told that he must notify the Department when he discovered his actual earnings and correct any estimates. (Audio Recording; Exhibit 2B, p. 3.) Although Claimant did not specifically recall receiving the Pamphlet, he testified that he most likely did. (Audio Recording.)

Therefore, IDOL made Claimant adequately aware of the regulations on how to correctly report his wages. However, despite receiving this information, for the weeks at issue Claimant failed to accurately report his earnings to the Department. Claimant does not dispute that he did not accurately report his wages. He testified that he took the number of hours that he was scheduled and multiplied it by his hourly rate of pay. However, the number of hours that Claimant was scheduled was not the actual number of hours that Claimant worked. Therefore, Claimant's estimates were inaccurate. (Audio Recording.)

There was nothing inappropriate about estimating his wages. However, the pamphlet informed Claimant that he was to contact the Department and correct his estimates once he learned his accurate amount of earnings. (Exhibit 2B, p. 3.) Claimant agreed that he did not contact the Department to correct his wages once he received his paychecks. (Audio Recording.)

Claimant asserts that his failure to report accurately was a mistake and that he is a reputable individual. (Audio Recording; Claimant's Appeal; Claimant's Correspondence.) The Commission has no reason to dispute Claimant's character. However, Claimant is not a novice in filing for benefits. He has filed nine different times. Each time, IDOL supplied Claimant with information on how to accurately report his wages and placed him on notice of the consequences if he did not provide accurate information. Included in those instructions was the requirement that Claimant must contact the Department to correct any estimated wages. Claimant was aware that he could, and should, correct inaccurate information to the Department, since he had done so in the past. Nonetheless, Claimant did not follow IDOL's instructions to correct his estimated wages.

Furthermore, Claimant had previously contacted the Department to correct information that he had claimed on his reports. (Exhibit 14.) Therefore, Claimant was adequately aware that he could, and should, do so. He was also informed by IDOL that by filing his claim, he certified that he was providing true and accurate information. (Audio Recording; Exhibit 7, p. 1.) Claimant agreed that he saw this certification every week he filed for benefits. However, despite the information that he received from IDOL, Claimant did not contact IDOL to correct his wages when he learned his accurate amount of earnings. (Audio Recording.)

When Claimant filed for unemployment insurance benefits, he did so of his own free will. Applying for those benefits placed certain obligations upon Claimant. Those included following the directions provided by IDOL and providing truthful and accurate information. Under these circumstances, Claimant's failure to accurately report his wages constitutes a disregard of his obligation to report as accurately as possible. Claimant's behavior was the type Idaho Code § 72-1366(12) was intended to discourage. Claimant is ineligible for waiting week credit and

benefits for the weeks effective September 23, 2012 through September 29, 2012; October 14, 2012 through October 27, 2012; November 4, 2012 through February 2, 2013; February 10, 2013 through March 2, 2013; and March 10, 2013 through March 23, 2013; as well as the statutorily mandated fifty-two (52) week disqualification period effective May 26, 2013 through May 24, 2013. (Exhibit 30.)

For the week ending October 13, 2012, Claimant reported earnings of \$333.00. (Exhibit 11, p. 10.) IDOL found that Claimant earned \$337.35 — a difference of \$4.35. (Exhibit 33, p. 1.) The difference for this specific week is nominal. Due to the nominal nature of the difference in reported wages, the Commission is not inclined to find that Claimant willfully made a false statement during this week.

Waiver

IDOL issued Determinations of Overpayment seeking to recover the benefits paid to Claimant, but to which it concluded he was not entitled. (Exhibit 32.) Claimant received his benefits from both state and Federal funding sources: the State of Idaho and Emergency Unemployment Compensation. A waiver of overpayment reimbursement is allowed pursuant to both funding sources under certain circumstances. Requirements for a waiver of benefits received from the State of Idaho are controlled by Idaho Code § 72-1369(5). That section expressly prohibits a waiver of an overpayment resulting from a willful false statement, misrepresentation, or failure to report a material fact by the claimant. Idaho Code § 72-1369(5) (2012). That sentiment is reiterated in the Federal regulations for benefits received from Federal funding, or in this case, the Emergency Unemployment Compensation. The Federal regulations instruct agencies that a waiver is not allowed when a claimant's benefits are derived from a claimant's failure to disclose a material fact or when he or she made a material misrepresentation

of a fact that he or she knew or should have known was inaccurate. 20 C.F.R. § 617.55(a)(2)(i)(A).

An overpayment of benefits resulted when Claimant failed to accurately report his earnings. As concluded above, Claimant's conduct was willful. Based on the information supplied to Claimant, Claimant knew or should have known that he was making a material misrepresentation when he failed to accurately report his earnings. Therefore, claimant is ineligible for a waiver under either fund source. Claimant must repay the benefits he received but to which he was not entitled. He is also subject to penalties in accordance with Idaho Code § 72-1369(2).

CONCLUSIONS OF LAW

I

Claimant was not unemployed according to Idaho Code § 72-1312 effective November 11, 2012 through December 1, 2012; December 9, 2012 through December 22, 2012; January 6, 2013 through January 12, 2013; January 20, 2013 through February 2, 2013; and February 10, 2013 through February 16, 2013.

II

Claimant willfully failed to report material facts or willfully made a false statement for the purpose of obtaining unemployment benefits. He is ineligible for waiting week credit and benefits effective September 23, 2012 through September 29, 2012; October 14, 2012 through October 27, 2012; November 4, 2012 through February 2, 2013; February 10, 2013 through March 2, 2013; and March 10, 2013 through March 23, 2013; as well as the statutorily mandated fifty-two (52) week disqualification period effective May 26, 2013 through May 24, 2013.

III

Claimant is not entitled to a waiver of the overpayment and must repay benefits that he received, but to which he was not entitled, plus the associated penalty set forth in Idaho Code § 72-1369(2).

ORDER

Based on the foregoing analysis, the Decision of the Appeals Examiner is AFFIRMED. Claimant was not unemployed according to Idaho Code § 72-1312 effective November 11, 2012 through December 1, 2012; December 9, 2012 through December 22, 2012; January 6, 2013 through January 12, 2013; January 20, 2013 through February 2, 2013; and February 10, 2013 through February 16, 2013. Claimant willfully failed to report material facts or willfully made a false statement for the purpose of obtaining unemployment benefits and is ineligible for waiting week credit and benefits effective September 23, 2012 through September 29, 2012; October 14, 2012 through October 27, 2012; November 4, 2012 through February 2, 2013; February 10, 2013 through March 2, 2013; and March 10, 2013 through March 23, 2013; as well as the statutorily mandated fifty-two (52) week disqualification period effective May 26, 2013 through May 24, 2013. Claimant is not entitled to a waiver of the overpayment and must repay benefits that he received, but to which she was not entitled, plus the associated penalty set forth in Idaho Code §72-1369(2). This is a final order under Idaho Code § 72-1368(7).

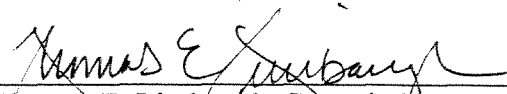
DATED this 16th day of September, 2013.

INDUSTRIAL COMMISSION

Thomas P. Baskin, Chairman

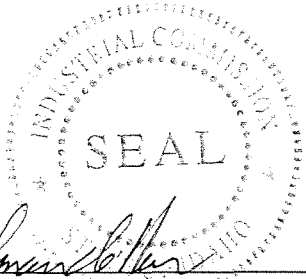


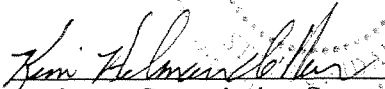
R.D. Maynard, Commissioner



Thomas E. Limbaugh, Commissioner

ATTEST:





Assistant Commission Secretary


CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of September, 2013 a true and correct copy of **Decision and Order** was served by regular United States mail upon each of the following:

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh



September 25, 2013

Idaho Department of Labor
Payment Control
317 Main Street
Boise, ID 83735-0610

Deputy Attorney General
sent via fax to: 208-332-7558
Idaho Industrial Commission
Unemployment Appeals
PO Box 83720
Boise, ID 83720-0041

Idaho Department of Labor
Statehouse Mail
317 Main Street
Boise, ID 83735

re: Protest and Appeal of Overpayment
Determination of Overpayment (date of mailing: 09/19/2013; final date 10/03/2013)
Revised Determination of Overpayment (date of mailing: 09/19/2013; final date 10/03/2013)

FILED

SEP 25 2013

and re: Protest and Appeal of Industrial Decision and Order issued by the Industrial Commission
Charles Christian Bell (554-27-2454) - 1009 Terra Avenue, Twin Falls, ID 83301
Idoi# 4832-2013 - Filed: September 16, 2013

INDUSTRIAL COMMISSION

Dear Idaho Department of Labor, Deputy Attorney General, and Industrial Commission,

This communication conveys Charles Christian Bell's (Claimant's) response, comments and documents to substantiate an unwavering and adamant disagreement to the aforementioned determination(s). Denying the Claimant's submission(s), and review of additional documents which potentially shed light and produce a more advantageous decision to the Claimant, is objectionable. Claimant asserts it is prudent and lawful for equity and good conscience to request a new hearing in this complex and intricate case; denying this request is to repudiate legal fairness, integrity, honor, reasonableness, and a sense of morality being served in the aforementioned. In fact, these determinations lean profoundly in serving the opposite intent of the law, creating a distinct travesty and miscarriage of justice. A portion of this response may be duplicative of previous correspondence; however, these facts remain relevant and essential to reiterate:

- I. The first portion of this correspondence relates to the Idaho Department of Labor's (DOL) assertions that Claimant was overpaid for a bye date of 05/25/2013 in the amount of \$21.00; with a subsequent revised determination of overpayment with same date of overpayment for \$348.00.
 - a. Claimant protests and appeals the aforementioned assertion / claims / determination / decision(s):
 - i. Claimant did not file for unemployment benefits for the aforementioned timeframe.
 - ii. Claimant did not claim or receive unemployment benefits for date of 05/25/2013.
 - iii. Any and all purported discrepancies in this regard are strictly inadvertent and accidental.
 - iv. Requiring such repayment is contrary to equity and good conscience.
- II. This portion is a Protest and Appeal of Industrial Commission Decision and Order issued by the Industrial Commission.
 - a. See Decision and Order document, page 3, Finding of Facts section, numbered 1 through 8:
 - i. (1) Agree with conclusion / deduction of statement... Claimant relied solely on Employer's part-time definition / classification in claiming weekly benefit eligibility. To Claimant's full knowledge, awareness, and understanding, Claimant's employment was regarded and categorized by Sears' (Claimant's employer) management and human resources manager, as part-time and temporary. This information was frequently reiterated to Claimant, as well as other part-time and temporary employees, by Sears' management and human resources manager.
 - ii. (2) Disagree with statement. Claimant did NOT work fulltime hours during the week effective February 10 through February 16, 2013.
 - iii. (3) Agree with statement.
 - iv. (4) Agree with statement.
 - v. (5) Disagree with statement. During the nine times that Claimant filed for benefits, Claimant did NOT receive any Unemployment Insurance Claimant Benefit Rights, Responsibilities and Filing Instructions pamphlets.
 - vi. (6) Agree with statement. Claimant, within the power and limitations of human capacities, estimated reported hours.
 - vii. (7) Disagree with statement. **Department of Labor pamphlet, during disputed time-frame, was NEVER received by Claimant.**
 - viii. (8) Disagree with conclusion / deduction of statement. Significant time constraints (within a 24-hour day), as presented by:
 - Department of Labor,
 - Employer,
 - On-going job search for gainful employment,
 - Wife's illness / doctors' visits / out-of-town doctor visit / medical test(s),
 - Ongoing commitments to others in aiding their employment searches (resume writing, interview skills, networking),
 - Holidays,
 - And considerably rare moments with family and friends,

...leaving Claimant:

- Without sufficient sleep,
- Without adequate financial means,
- With intolerable and overwhelming stress,
- With a sincere desire and honest intent to be accurate (despite assertions and labeling by DOL representative during telephone hearing {per audio recording}, proclaiming with frustration, that Claimant is dishonest), and efficient in all endeavors;

...however, in actuality, acknowledging that from time to time as humans, in hindsight with revelation of complete and accurate information (months after the facts):

- Inaccuracies and honest mistakes were inadvertently and accidentally made by the Claimant, the Claimant's Employer, and DOL as the governing / monitoring entity, accountable for supervision of accurate unemployment benefit regulations, and timely distribution of referenced unemployment funds through the State of Idaho's Department of Labor.
1. There remains **NO** evidence to suggest, prove, or substantiate a willful intent, deceit, dishonesty, or interest in misleading, misappropriating, or defrauding DOL in any manner, shape, way or form in Claimant's filing for unemployment benefits, while at Sears.
 - a. Claimant relied on and maintained a sense of confidence for DOL to alert / advise Claimant with some level of expediency, if there were discrepancies in Claimant's reporting hours vs. Claimant's Employer's (Sears) reported hours. Claimant, when knowingly worked 40 or more hours, did not claim benefit eligibility. **Claimant maintained a strong opinion that unemployment benefits would not be paid should there be discrepancies.** (note: **Claimant did NOT have knowledge of, receive, or have access to corrected Employer hours reporting, and was only made aware of discrepancies approximately 5 months after the fact of making benefit claim(s), which inadvertently and accidentally resulted in discrepancies.**);
 - b. DOL documentation substantiates Claimant consistently filed the weekly unemployment claim(s) with full intent of accuracy at time of filing, and within the designated timeframe as set and regulated by DOL.
 - i. Claimant's response to the Idaho Supreme Court's definition of "willful": Claimant adamantly denies ever knowledgeable committing omissions, as referred to and asserted in disputed decision. Claimant adamantly denies ever knowledgeable committing any conscious wrong, as asserted in disputed decision. Claimant adamantly denies ever knowledgeable committing or with design setting out to violate any rules, regulations, procedures, laws, or protocols, as referred to and asserted in disputed decision, and associated with the filing for unemployment benefits. **Therefore, any errors in this regard by the Claimant ARE and must be construed, defined, and interpreted strictly as inadvertent and accidental.**
 - ii. Claimant filed the disputed unemployment claims based solely on available and current weekly information provided through Claimant's supervisor(s) weekly posted / scheduled hours documentation (aka: weekly schedule; this from September 2012 through March 2013). Reported pay was calculated by multiplying reported hours by \$9.35 per hour. Subsequently, beginning March 2013, hours were gleaned from the Sear's human resources website as directed by Sears' management and human resources manager, for obtaining accurate and updated weekly hours and pay amounts for employees. Reported pay was calculated by multiplying reported hours by \$9.35 per hour.
 - iii. **Claimant was paid by Sears through direct deposit into checking account; associated pay stub is void of any relevant information pertaining to hours or rate of pay. This method of wage payment reflects only deductions and the total amount deposited:**
 - Refer to attached (page 4): Interest Checking – 1563: Account Activity Transaction Details, displaying Posting date: 10/05/2012; Amount: 312.49; Type: Deposit; Description: SEARS ROEBUCK AN DES: DIR DEP, ID:91023829519 INDN:BELL,CHARLES, C CO ID:3099686047 PPD. (note: direct deposit confirmation)
 - Refer to attached (page 5): Pay stub as related to aforementioned transaction. (note: associated pay stub); (April 3, 2013 is print date only.)
 - iv. **DOL decision / determination strictly relies on updated / correct information, made available (partially) to Claimant ONLY after DOL began claims against Claimant.** Claimant was only made aware and notified by DOL of potential disparities in the aforementioned filings by DOL approximately 5 months after initial filing.
 - It was / is implausible that Claimant forecast / predict the information utilized by the Claimant for reporting of hours and wages, as provided to the Claimant by Sears, was at the time and filing of unemployment claim(s), incomplete or incorrect.
 - **All claimed overpayments were caused solely by Inadvertence and accident, and made to a Claimant who had no way of knowing that he received benefits to which he was not entitled.**
 - Any and all purported discrepancies in this regard are strictly inadvertent and accidental.
 2. Claimant is more than offended by the destructive inferences to Claimant's integrity, self-respect, honesty, and basic morality as brought forth within the decidedly flawed and erroneous claims of DOL. These claims are NOT part of Claimant's proven and substantiated personal paradigm of fairness / justice. Claimant NEVER with intent willfully, willingly or knowingly, moved to lie, deceive, mislead, cheat, falsify, or swindle the DOL to obtain money not rightfully owed or due to Claimant. Claimant is acknowledged and personally identified as a person who goes out of their way for his fellow man, striving for equality and justice in whatever Claimant sets out to do.

- a. It remains a substantiated and indisputable fact that Claimant continually attempted, and fully intended to truthfully and in a timely manner, file unemployment claims with accuracy, integrity, honesty, and forethought, with employment information (hours and pay) currently available to Claimant at the time of filing, as well as respond to DOL subsequent (6 months after initial filing) queries promptly and with the utmost accuracy and integrity.
 - i. At times, the requests from DOL appeared overwhelming, relentless and unending, with some indication of placing the Claimant in a position of self-incrimination. If errors were made on Claimant's part, or that of the DOL, Claimant consistently freely and willingly responded, and remained more than eager to accurately and expediently rectify them.
 - ii. The comparison by DOL of recent filings by Claimant (described by DOL as a "seasoned filer"), versus those of previous years, results in an inaccurate conclusion. Previous filings were predominantly extremely straightforward and "concrete", in that Claimant's employer(s) provided timely and immediate accurate information for hours and wages reporting, and which was directly made available to Claimant, i.e., no "guesstimating", no projecting, no consistent and sometime daily deviations of the most current / updated / conflicting data from employer(s), no fluidic changes to final hours and wages information.
- b. **Sears, conversely, provided ever fluidic and inconsistent hours and pay data, which Claimant strongly relied upon and methodically endeavored, with all the powers and limitations of a human being, to report as being the ultimate and correct information.** There were simply not enough hours within the constraints of the DOL reporting timeframe to pursue every potential nuance, and guarantee 100% of the time, the current information provided to the Claimant by Sears was entirely accurate, and would not change or be modified, revised, or altered within the next 24 hours, 30 days...or 5 months!
 - i. Claimant testifies spending approximately 2-3 hours weekly compiling hours and pay data in filing unemployment benefits claims.
- c. Throughout this timeframe, Claimant undeniably and compliantly followed and adhered to what Claimant perceived, believed, understood, and interpreted as the correct rules and regulations for timely and accurate filing of unemployment claims. Although Claimant at one point received copy of DOL booklet(s) with each physical unemployment payment, since the onset of filing online, Claimant has not received, seen, or read a version of this document since approximately mid-2010.
 - i. Throughout this timeframe, however, DOL continued unemployment benefit payments to Claimant, with NO stoppage of benefits and NO queries to Claimant by DOL, until April 3, 2013.
- 3. The question which must be posed and answered by the DOL and Idaho Industrial Commission in regard to a final and just decision is:
 - a. **WHY** would Charles Christian Bell, a person with no criminal record, a wife of 20+ years, a homeowner and taxpayer with a mortgage balance of less than \$55,000.00, 2 cars which are paid off, a credit rating that hovers around 750 (for at least the last 10 years), a community volunteer, a seeker of justice, a person who is respected, an acknowledged honest hard worker who is considered truthful (see attachments), **WILLFULLY, DISHONESTLY, and INTENTIONALLY risk everything Claimant has strived, labored, and honorably worked his entire life to obtain, for a few thousand dollars of monetary gain?**
 - i. **The obvious answer and conclusion is Charles Christian Bell (Claimant) would not.**
- 4. Due to considerable substantiated and indisputable fact(s) that Charles C. Bell **DID NOT** willfully, willingly, knowingly, or with dishonest intent or design, misrepresent or falsify any documents to obtain unemployment benefits, as adamantly conveyed by Claimant during the telephone hearing of Tuesday, July 9, 2013, as well as distinct legitimate verification of Claimant inadvertently and accidentally submitting discrepancies in claims for unemployment benefits, with validation through application and intent of the following state statutes and laws, the aforementioned decision(s), in the interest and carriage of justice, must be overturned:

a. <u>S 72-1312 of ID Employment Security Law</u>	d. <u>SS 72-1366(12) of ID Employment Security Law</u>
b. <u>S72-1329 of ID Employment Security Law</u>	e. <u>SS 72-1369(2) of ID Employment Security Law</u>
c. <u>S72-1366(12) of ID Employment Security Law</u>	f. <u>SS 72-1369(5) of ID Employment Security Law</u>

Respectfully,

554-27-2454
 1009 Terra Avenue
 Twin Falls, ID 83301
 208.293.4577
charleschristianbell@gmail.com

cc: Roger Madsen
 Department of Labor
roger.madsen@labor.idaho.gov

attachments: direct deposit screen print
 numerous letters of reference, both personal and professional

<https://secure.bankofamerica.com/myaccounts/details/deposit/nextl-page.go?adx=/81c884e01d06b4550ca/84e9eb091b/6...> 9/24/2013



Online Banking

Interest Checking - 1563: Account Activity Transaction Details

Posting date: 10/05/2012

Amount: 312.49

Type: Deposit

Description: SEARS ROEBUCK AN DES:DIR DEP
ID:91023829519 INDN:BELL,CHARLES
C CO ID:3099686047 PPD

STARS HOLDINGS

MPI - My Personal Information

Help | Logoff

Home | Name/Address | Emergency Contacts | Associate Discount | My Pay | Direct Deposit | W-4 Federal Withholding | SHC Policy

CHARLES C BELL [Click for Employee ID](#)

Wed Apr 03 09:34:50 EDT 2013

If you need a reprint of a pay check not available here please contact the Associate Service Center at 1-888-88sears.

Select Check Date: 2012-10-05 00:00:00 312.49

\$312.49 was deposited in checking account # XXXXXX1563

EARNINGS AND DEDUCTIONS SUMMARY		
Description	Current Period	Y-T-D
Gross Earnings	\$331.20	\$331.20
Net Earnings	\$312.49	\$312.49
Before and After Tax Deductions	\$.00	\$.00
Taxes	\$18.71	\$18.71
PAID TIME OFF/ANNIVERSARY HOURS		
Vacation As of	04/03/2013	
Earned	.00	
Taken	.00	
Bank	.00	
Anniversary Hours	36.80	
EMPLOYEE INFORMATION		
Employee ID	91923829519	
Department	0210922117	
Location	02109	
TAX DATA		
Description	Federal	State
State		ID
Marital Status	M	M
Allowances	1	1
Addl. Pct	0	0
Addl. Amt	.00	.00

\$312.49 was deposited in checking account # XXXXXX1563

PAY ADJUSTMENTS ARE FOR THE PRIOR PAY PERIOD UNLESS OTHERWISE NOTED. PLEASE CALL 1-888-887-3277 FOR FURTHER EXPLANATION OF THIS STATEMENT OR SEE [HTTP://88SEARS.COM/COMP/PAY](http://88SEARS.COM/COMP/PAY).

Please call 1-888-887-3277 for questions about this statement.

For further explanation of this wage statement, see 88Sears.com

Treasure Valley Employment Search Networking Group (on LinkedIn.com): Quotes and Recommendations for Charles Christian Bell**Stacy Harshman: Career Coach/Job Search Strategist guiding those frustrated in their jobs to find fulfilling work**

January 17, 2011: I have been very impressed with Charles's work in putting together a networking group to assist members in finding jobs. He has worked very hard and provides help to members as a group and also as individuals. This is volunteer work for him but he takes it very seriously. I would highly recommend Charles as an employee. He has proved to be diligent and hard working.

Cleon Pilon: Acquisitions at Rokina Properties

January 14, 2011: Charles work with the TVESNG has been an outstanding display of leadership. Recognizing a need to showcase the talents of professionals, Charles has created a group that is providing a valuable service to the community. He continues to drive this effort with a passion, and has overcome all obstacles he has encountered. To me, he is a demonstrated leader.

Charles Winn: Business Counselor and Workshop Presenter at SCORE "Counselors to America's Small Business"

January 13, 2011: Charles exhibits concern for the others and like a real leader, he is resourceful; takes appropriate action; and produces positive results. In a given situation he is able to understand the problem and evaluate input from others to make and act on his decision.

John Horne: VP-Sales

January 13, 2011: Charlie is a colleague and friend I would recommend without hesitation, for his professionalism, industry knowledge, business insights, and willingness to assist hundreds of professionals in their career pursuits. Charlie is widely recognized in the business community for helping others achieve their career goals.

9/27/10

Re: Charles Bell

To Whom It May Concern,

Charles Bell has been a volunteer for the Meridian Boys and Girls Club for the past year. He was helped in a number of areas but has been most keenly involved in the Teen Center. Teens always present a unique challenge, they have good verbal skills but are still developing emotional competencies and forward thinking. So they take a special combination of respect, patience, caring and commitment. Charles has shown that commitment.

He developed a career readiness and money handling program that taught the teens the skills they were going to need in the adult world. Things like saving, investing, managing a career, and preparing for emergencies were all included in his program. It was also flexible enough for teens to join in and drop off at different point so that they could learn a bit, go off to other things, and come back and get more.

The real thing about teens is they take time. Time to warm up to you, time to talk to you, time to make their mistakes and learn from them, but mostly time to develop the kinds of relationships that serve to guide them in making good decisions in their own lives. Charles has given them the time to make those relationships. Our teens know him, they trust him, and they treasure their time with him. Charles decided to volunteer his space time to make a difference, and he has done that, and all of our teens are better for it.

If you have any questions, please feel free to contact me.

Robert Weseman
Program Director
Meridian Boys and Girls Club
(208) 954-5030
Rob.weseman@bgclubidaho.org



JAY V. HYDE, AIA
ARCHITECT

JAY V. HYDE, AIA
ARCHITECTURE
PLANNING
INTERIORS

Dear Human Resources Manager

April 2004

I have been acquainted with Charles Bell for 13 years. In 1991, he came to work for my partners and me at SH&A, Inc. Working under my supervision, Mr. Bell was a significant team member. In this role, he produced quality construction and design documents on numerous projects including:

- The Lodi Unified School District Education Support Center, Lodi, CA
- The Varsity Theater Renovation, Davis, CA
- First Baptist Church of Foothill Farms, Sacramento, CA

While Charles was employed by SH&A, the advisability of continuing with the Aris computer assisted drafting system was reevaluated. Mr. Bell's experience with Aris and AutoCAD was of immeasurable value to our firm. He convinced the principals of abandoning the Aris software and switching to a format being adopted throughout the architectural and engineering industries. His sagacious advice and perceptive foresight saved us considerable resources that would have been spent had we not changed systems.

I retired from SH&A in 1994. In 1998, while a Project Manager at NADEL Architects in Sacramento, I recruited Charles Bell to again work with me. NADEL is an international firm specializing in office and retail projects. Charles and I collaborated in various projects within the Retail Division. At NADEL, Charles gained vast industry experience, especially in the development of neighborhood shopping centers and markets (\$5,000+ SF). He also utilized successful, yet innovative and unique, management capabilities while working with other team members within the Retail Division.

At SH&A and NADEL, Charles demonstrated a keen interest in developing and implementing systems to streamline production. This effort resulted in valuable detail libraries, and customized toolbars for easy access to repetitive items, etc.

I am confident you will find Charles Bell to be an enthusiastic team player, and a positive asset to your firm. Please contact me for additional information you may require.

Respectfully,

Jay V. Hyde, AIA, CSI
California Architect C-11529
(916) 921-9063 (H)
(916) 443-1033, ex 39 (W)
jhvde@mognor.com

2220 RALSTON ROAD, SACRAMENTO, CALIFORNIA 95821-4633

(916) 921-9063



Dreyfuss & Blackford Architects

3640 Folsom Boulevard
Sacramento, CA 95816

Call 916 453-1234
Fax 916 453-1230

April 2, 1997

CHARLES BELL - LETTER OF RECOMMENDATION

To Whom It May Concern:

Charles Bell has worked at Dreyfuss & Blackford for nearly one year. During his time with the firm, he has demonstrated a thorough understanding of CADD drafting and has contributed significantly to the design team for projects on which he has worked. His fast hand and good communications skills have made him a valuable team member.

Our workload is such that we are forced to reduce our drafting staff. I am sorry to see him go. I would highly recommend Charles to a firm who is looking for an experienced and thorough CADD drafter.

Very truly yours,

DREYFUSS & BLACKFORD ARCHITECTS

John C. Webre, AIA
President

JCW:lh

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CHARLES C. BELL,

Claimant,

v.

SEARS,

Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 4832-2013

FILED

INDUSTRIAL COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2013, a true and correct copy of **Claimant's Correspondence**, construed as Request for Reconsideration, was served by regular United States mail upon each of the following:

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh


Assistant Commission Secretary

cc:
CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CHARLES C. BELL

SSN [REDACTED]

Claimant,

v.

SEARS,

Employer,

and

IDAHO DEPARTMENT OF LABOR.

IDOL # 4832-2013

**ORDER DENYING
RECONSIDERATION**

FILED

OCT 10 2013

INDUSTRIAL COMMISSION

Request for Reconsideration of a Decision from the Industrial Commission. The Request for Reconsideration is DENIED.

On September 25, 2013, Claimant filed a timely Request for Reconsideration of the Decision and Order filed September 16, 2013. The Commission affirmed, but modified, the decision of the Appeals Examiner. The Commission found that: 1) Claimant was not unemployed effective for the dates listed in the Decision and Order; 2) that Claimant willfully made false statements and/or willfully failed to report material facts for the purpose of obtaining unemployment insurance benefits and is ineligible for waiting week credit and for benefits effective for the dates listed in the Decision and Order as well as the 52 week disqualification period; and, 3) Claimant is not entitled to a waiver of the overpayment and must repay the benefits he received, but to which he was not entitled plus penalties.

In the Request for Reconsideration, Claimant argues that there has been an unexplained change in the overpayment from a BYE date of 5/25/2013. Claimant also contends that he did

ORDER DENYING RECONSIDERATION - 1

not receive the pamphlet with filing instructions every time he filed for benefits. Claimant states that any inaccuracies in his reporting were inadvertent and there is no evidence to prove that he willfully or dishonestly filed his claims.

Requests for Reconsideration are intended to allow the Commission an opportunity to reexamine its decision in light of additional legal arguments, a change in law, a misinterpretation of law, or an argument or aspect of the case that was overlooked. Rules of Appellate Practice and Procedure Under the Idaho Employment Security Law 8 (F).

Claimant argues that there has been an unexplained change in the amount of overpayment from a BYE date of 5/25/2013, even though he did not claim or receive benefits for that week. The benefit week of 5/25/2013 is not addressed in this case. Some of the documentation uses the term “BYE 5/25/2013” meaning benefit year ending date of 5/25/2013, which refers to the entire year before the stated date. Alternatively, Claimant may have recently received additional paperwork from the Department of Labor (“IDOL” or “Department”) not related to this pending matter. Yet, as stated above the benefit week of 5/25/2013 is not addressed in this case.

During 2012 and 2013, Claimant filed weekly claims reports for unemployment benefits while also working for Employer. On his weekly claim reports Claimant reported that he worked and estimated his earnings. Claimant did not compare his estimated reported earnings with his actual paycheck. He did not contact the Department of Labor to correct any incorrect estimates.

Claimant argues that his failure to accurately report his actual wages was an inadvertent mistake and that he did not receive a pamphlet every time he filed for benefits. While the Claimant may not have received as many pamphlets as the Department of Labor contends, he was still adequately aware of the requirement to correctly report his wages. The record contains evidence of previous contact Claimant made with the Department to correct wage information

that he had claimed on his reports. (Exhibit 14.) Claimant has a responsibility to read and follow the instructions provide by IDOL when availing himself to the receipt of unemployment benefits. Claimant did not contact the Department to correct his stated wages once he received his paycheck.

Claimant also contends that his actions were not willful. Willful, in the context of Idaho Employment Security Law, is a very specific term. It is not necessary to demonstrate an evil intent by a claimant to conclude that his conduct was willful. It is sufficient when, as in the current case, the Commission finds that the Department made the claimant aware of the reporting requirements, but the claimant nonetheless failed to follow the provided information.

Claimant's Request for Reconsideration has not presented argument on the issues related to the September 16, 2013, Decision and Order which would persuade the Commission to alter its ruling. The Commission finds no reason to disturb the Decision and Order in this matter.

Based upon the foregoing reasons, the Request for Reconsideration is hereby DENIED.

IT IS SO ORDERED.

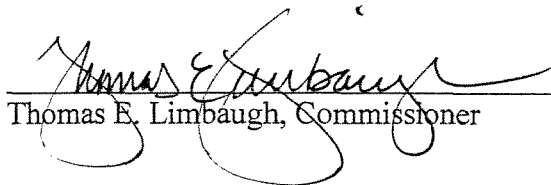
DATED this 10th day of October, 2013.

INDUSTRIAL COMMISSION

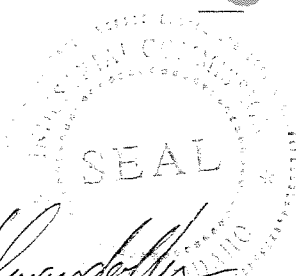


Thomas P. Baskin, Chairman

R.D. Maynard, Commissioner



Thomas E. Limbaugh, Commissioner



ATTEST:

Kari A. Howard
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October 2013, a true and correct copy of **Order Denying Reconsideration** was served by regular United States mail upon each of the following:

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF LABOR
STATE HOUSE MAIL
317 W MAIN STREET
BOISE ID 83735

kh

Kari A. Howard

Charles Christian Bell
1009 Terra Avenue
Twin Falls, ID 83301
Phone Number (208) 733-3959

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA, IN THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO.

Original Action: Industrial Commission of the State of Idaho Decision re: Determination of Unemployment Benefit Overpayment(s), and Order(s) Denying Reconsideration

Case No. IDOL # 4832-2013
Notice of Appeal by Appellant
in October 10, 2013 Order Denying
Reconsideration

Respondent: Industrial Commission of the State of Idaho

to Respondent (Industrial Commission of the State of Idaho)

Appellant: Charles Christian Bell

by Appellant (Charles Christian Bell)

TO: THE ABOVE NAMED RESPONDENT(S), INDUSTRIAL COMMISSION OF THE STATE OF IDAHO, AND THE CLERK OF THE ABOVE-ENTITLED COURT, THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA, IN THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO. NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, Charles C. Bell, appeal(s) against the above-named Respondent(s) to the Idaho Supreme Court from Industrial Commission of the State of Idaho Order Denying Reconsideration, entered in the above-entitled action (proceeding) on the 10th day of October 2013, Chairman Thomas P. Baskin, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule [e.g. (11(a)(2)) or (12(a))]¹ I.A.R.
3. A preliminary statement of the issues on appeal which the Appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal. See attached preliminary statement of the issues on appeal, which the Appellant asserts in the appeal, and do not prevent the Appellant from asserting other issues on appeal.
4. Has an order been entered sealing all or any portion of the record? No order has been entered, sealing all or any portion of the record.
5. (a) Is a reporter's transcript requested? No, a reporter's transcript is not requested.
6. ~~The appellant requests the following documents to be included in the clerk's (agency's) record in addition to those automatically included under Rule 28, I.A.R.~~

~~_____ e.g. (All requested and given jury instructions)~~

~~_____ (The deposition of "X")~~

~~_____ (Plaintiff's motion for continuance of trial)~~

7. I certify:

(a) That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Name and address:

Deputy Attorney General
Idaho Industrial Commission
Unemployment Appeals
PO Box 83720
Boise, ID 83720-0041

cc: Idaho Department of Labor
Statehouse Mail
317 Main Street
Boise, ID 83735-0610

FILED

NOV 12 2013

INDUSTRIAL COMMISSION

(b) (1) That the clerk of the administrative agency has been paid the estimated fee for preparation of the reporter's transcript. (check[s] enclosed; indigent status requested by Appellant).

(2) That the Appellant is exempt from paying the estimated transcript fee because: Appellant paid all fees up front, along with request for acknowledgement of indigence by the Court, through submission of documents supporting indigence and inability to pay such fees. Appellant request, upon determination and acknowledgement of indigence, that all related fees are returned to Appellant.

(c) (1) That the estimated fee for preparation of the agency's record has been paid: Appellant paid all fees up front, along with request for acknowledgement of indigence by the Court, through submission of documents supporting indigence and inability to pay such fees. Appellant request, upon determination and acknowledgement of indigence, that all related fees are returned to Appellant.

(2) That Appellant is exempt from paying the estimated fee for preparation of the record because: Appellant paid all fees up front, along with request for acknowledgement of indigence by the Court, through submission of documents supporting indigence and inability to pay such fees. Appellant request, upon determination and acknowledgement of indigence, that all related fees are returned to Appellant.

(d) (1) That the Appellate filing fee has been paid. Appellant paid all fees up front, along with request for acknowledgement of indigence by the Court, through submission of documents supporting indigence and inability to pay such fees. Appellant request, upon determination and acknowledgement of indigence, that all related fees are returned to Appellant.

(2) That Appellant is exempt from paying the appellate filing fee because: Appellant paid all fees up front, along with request for acknowledgement of indigence by the Court, through submission of documents supporting indigence and inability to pay such fees. Appellant request, upon determination and acknowledgement of indigence, that all related fees are returned to Appellant.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 (and the attorney general of Idaho pursuant to § 67-1401(1), Idaho Code).

State of Idaho)
County of Twin Falls) ss.

Charles Christian Bell, being sworn, deposes and says:

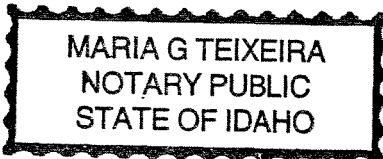
That the party is the Appellant in the above-entitled appeal, and that all statements in this notice of appeal are true and correct to the best of his or her knowledge and belief.

Charles Christian Bell
Signature of Appellant

Subscribed and Sworn to before me this 7th day of November, 2013

(SEAL)

Maria G Teixeira
Buhl, ID SR. PB Title
Residence



My Commission Expires
April 1, 2016

November 7, 2013

Deputy Attorney General
Idaho Industrial Commission
Unemployment Appeals
PO Box 83720
Boise, ID 83720-0041

Ms. Kim Helmandollar
Assistant Commission Secretary
Idaho Industrial Commission
PO Box 83720
Boise, ID 83720-0041

cc: Idaho Department of Labor
Statehouse Mail
317 Main Street
Boise, ID 83735

cc: Idaho Department of Labor
Payment Control
317 Main Street
Boise, ID 83735-0610

cc: roger.madsen@labor.idaho.gov

re: Request for Waiver of Appellate Filing Fee, Pursuant to Section 31-3220, Idaho Code
Notice of Appeal / A Verified Petition / Motion and Sworn Affidavit as Charles Christian Bell in Establishing / Verifying Indigent Status
Idol# 4832-2013

Dear Deputy Attorney General, Ms. Kim Helmandollar, Industrial Commission, and Idaho Department of Labor,

This communication conveys Charles Christian Bell's (Applicant's / Appellant's) request for a Waiver of the Appellate Filing Fee, under Idaho Appellate Rule 23:

- | | | |
|---|--|--|
| <p>1) <u>The name and address of the Applicant:</u>
Charles Christian Bell
1009 Terra Avenue
Twin Falls, ID 83301</p> <p>2) <u>Appellate requesting the waiver of the Appellate filing fee:</u>
I, Charles Christian Bell do respectfully request a waiver of the appellate filing fee.</p> | <p>3) <u>A statement of the factual basis showing the indigence of the Applicant to pay such filing fee:</u>
I, Charles Christian Bell do, with the presentation of the facts creating a factual basis, as clearly presented on the attached spreadsheet(s), show the indigence of the Applicant (and inability) to pay such filing fee.</p> | <p>4) <u>A certification by the Applicant that the Applicant believes that the Applicant is entitled to a waiver of the filing fee:</u>
I, Charles Christian Bell, believe the Applicant (Charles Christian Bell) is entitled to the waiver of the filing fee.</p> |
|---|--|--|

Respectfully,

Charles Christian Bell

554-27-2454
1009 Terra Avenue
Twin Falls, ID 83301
208.293.4577
charleschristianbell@gmail.com

attachments: Oct 2013 Living on 725 an hour plus SSD (2 sheets) (Excel spreadsheet showing monthly expenses vs. monthly income; 2nd sheet showing medical expense accounting)

State of Idaho)
County of Twin Falls) ss.

Charles Christian Bell, being sworn, deposes and says:

That the party is the Appellant in the above-entitled appeal, and that all statements in this notice of appeal are true and correct to the best of his or her knowledge and belief.

Charles Christian Bell
Signature of Appellant

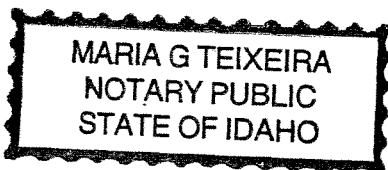
Subscribed and Sworn to before me this 7th day of November, 2013

(SEAL)

Maria G Teixeira

Boise, ID sr. PB Title
Residence

*My Commission Expires
April 1, 2016*



November 7, 2013

Mr. Stephen Kenyon
Clerk
Idaho Supreme Court and Court of Appeals
PO Box 83720
Boise, ID 83720

cc: Idaho Department of Labor
Payment Control
317 Main Street
Boise, ID 83735-0610

cc: Idaho Department of Labor
Statehouse Mail
317 Main Street
Boise, ID 83735

Ms. Kim Helmandollar
Assistant Commission Secretary
Idaho Industrial Commission (IIC)
PO Box 83720
Boise, ID 83720-0041

cc: Deputy Attorney General
sent via fax to: 208-332-7558
Idaho Industrial Commission
Unemployment Appeals
PO Box 83720
Boise, ID 83720-0041

cc: roger.madsen@labor.idaho.gov

re: **APPEAL TO IDAHO SUPREME COURT AND COURT OF APPEALS:**

Charles Christian Bell's Appeal of Idaho Industrial Commission's Final Decision and Order issued by the Industrial Commission - A Preliminary List of the Issues in Order Denying Request for Reconsideration
Charles Christian Bell (554-27-2454) - 1009 Terra Avenue, Twin Falls, ID 83301
Idol# 4832-2013

Dear Mr. Kenyon and Ms. Helmandollar,

Per telephone conversation(s) with Mr. Kenyon and Ms. Grant of the Idaho Supreme Court and Court of Appeals, on Wednesday, October 23, 2013 @ approximately 8:15 a.m., and Rule 12 (as noted below), Charles Christian Bell (Claimant) understands Claimant has 42 days for submission of relevant documents in the aforementioned Appeal to the Supreme Court. The following, as gleaned from the IIC's website, confirms this information:

RULE 12. APPEALS OF COMMISSION DECISIONS:

(A) TIME – Any interested party desiring to appeal a final decision to the Idaho Supreme Court must do so within forty-two (42) days from the date evidenced by the filing stamp on the final order, pursuant to Idaho Appellate Rule 14. If the Commission issued an order on reconsideration, the interested parties have forty-two (42) days from the date evidenced by the filing stamp on the final order. The Appeal and the appropriate fees must be filed with the Commission either by mail to P.O. Box 83720-0041, Boise, ID 83720 or by hand delivery to 700 S. Clearwater Lane, Boise, ID 83712.

(B) FEES - Two separate fees are required with the appeal: one to the Idaho Supreme Court in the amount specified by Idaho Appellate Rule 23 and one for \$50.00 to the Industrial Commission. A separate check or money order is preferred for payment of each fee. The \$50.00 is an estimate for preparation and mailing of the Agency's Record. Once the Agency's Record is complete, the Commission will send the appellant an invoice for any balance due. The Commission will not serve the Agency's Record on the interested parties until the fees for the preparation of that record are paid.

In disputed and cautious compliance in paying the aforementioned fees, Claimant encloses check #5251, dated November 3, 2013, made payable to Idaho Supreme Court, in the amount of \$94.50; and, check #5253, dated November 3, 2013, made payable to Idaho Industrial Commission, in the amount of \$50.00. (Claimant is also respectfully requesting indigence status from the court in this matter.)

This communication conveys Claimant's appeal, response, comments and documents to substantiate an unwavering and adamant disagreement to the aforementioned determination(s). Claimant protests and appeals the aforementioned assertion / claims / determination / decision(s), and respectfully requests reexamination and reassessment in the Order Denying Request for Reconsideration.

Denying Request for Reconsideration of the Claimant's submission(s), and review, re-examination, reconsideration, respect, attention to, and legal analysis of additional documents (including those incorporated within the telephone hearing and presented as exhibits by the Department of Labor), and which potentially shed light and produce a more advantageous decision to the Claimant, is objectionable. Claimant contends and asserts it is prudent and lawful **as to the letter and intent of the ID employment security law(s) and code(s) cited within this document, for equity and good conscience** to request and receive a new hearing / re-evaluation of relevant documents in this complex and intricate case; denying this request is to repudiate the letter of the laws(s) and code(s), legal impartiality, integrity, honor, reasonableness, and a sense of morality being served in the aforementioned. In fact, these determinations lean profoundly in serving the opposite letter and intent of the applied law(s), and code(s), producing a distinct travesty and miscarriage of justice.

Legally recognized requests for Reconsideration include an acknowledgement of: "a misinterpretation of law, or an argument or aspect of the case that was overlooked." Claimant contends and asserts the Commission's findings exemplify a distinct misinterpretation and application of the ID employment security law(s), and their letter and intent; Claimant also contends and asserts the Commission's findings are based on an aspect of the case that was overlooked (through denial of the Requests for Reconsideration). A portion of this response / appeal may be duplicative of previous correspondence; however, these facts remain relevant and essential to reiterate:

The following is a direct response, answer, reaction, judiciously disputing and contradicting the three conjectured, inaccurate, speculated, and incomplete findings / decisions / rulings of the Commission in regard to Idol# 4832-2013 . It is due to these conjectured / inferred findings and determinations, and not the letter of the law, that Claimant is illegally, unfairly, unjustly, grossly, unlawfully, and unreasonably being held accountable, punished and penalized:

- 1) False; a strict misinterpretation of the letter of the ID employment security law(s) and code(s), resulting in inaccurate, skewed, erroneous findings: *Claimant was not *unemployed effective for (all) the dates listed in the decision and order.*
 - a. Claimant did NOT work fulltime hours during the week effective February 10 through February 16, 2013; this according to Claimant and DOL records.
 - b. Claimant relied solely on Employer's part-time definition / classification in claiming weekly benefit eligibility. To Claimant's full knowledge, awareness, and understanding, Claimant's employment was regarded and categorized by Sears' (Claimant's employer) management and human resources manager, as part-time and temporary, regardless of potentially working 40 hours in a week, the next week would create an average schedule of less than 80 hours for the two-week pay period; thus, defining the Claimant exactly as part-time. This information was frequently reiterated to Claimant, as well as other part-time and temporary employees, by Sears' management and human resources manager.
 - c. *The defining parameters incorporated in previous refuted decisions of the DOL and IIC did not include the phrase "unemployed".
 - i. The defining parameters utilized in previous refuted decisions of the DOL and IIC included the phrase: "*Claimant worked over 40 hours during the weeks...*"
 - ii. Claimant relied on and maintained a sense of confidence for DOL to alert / advise Claimant with some level of expediency, if there were inadvertent errors / discrepancies discovered in Claimant's reporting hours vs. Claimant's Employer's (Sears) reported hours.
 - iii. **Claimant, when knowingly worked 40 or more hours, judiciously, with willful and full knowledge, design and honest intent, did not claim benefit eligibility.** Claimant maintained a strong opinion / understanding that unemployment benefits would be strictly withheld / denied by DOL should there be any discovery / finding of reporting discrepancies, whether these discrepancies be attributed to inadvertent and accidental errors on the part of DOL, Sears (the Claimant's employer), or the Claimant. (note: Claimant did NOT have knowledge, familiarity, nor understanding of, receive or have access to corrected Employer hours reporting, and was only made aware of discrepancies approximately 5 months after the fact of making benefit claim(s), which inadvertently and accidentally resulted in discrepancies.)
 - iv. Claimant was paid by Sears through direct deposit into checking account; associated pay stub (which was not provided to Claimant until April 2013, through the request of DOL) is void of relevant information pertaining to hours worked or rate of pay. This method of wage payment reflects only tax deductions and the total amount deposited. (see attached)
 - Refer to attached: Interest Checking – 1563: Account Activity Transaction Details, displaying Posting date: 10/05/2012; Amount: 312.49; Type: Deposit; Description: SEARS ROEBUCK AN DES: DIR DEP, ID:91023829519 INDN:BELL,CHARLES, C CO ID:3099686047 PPD. (note: direct deposit confirmation)
 - Refer to attached: Pay stub as related to aforementioned transaction. (note: associated pay stub); (April 3, 2013 is print date only.)
 - v. Claimant judiciously and with willful design and honest intent, upon bank posting of pay, did review net deposit notification (which is void of pertinent information, i.e., taxes withheld, wage data, hours worked, other than net pay).
 - vi. Claimant judiciously and with willful design and honest intent, upon bank posting of pay, did review deposited net pay amount and deliberately and knowingly compared with assessed / evaluated / projected / calculated / estimated pay data as reported to DOL.
- 2) False; a strict misinterpretation of the letter of the ID employment security law(s) and code(s), resulting in inaccurate, skewed, erroneous findings: *Claimant willfully made false statements and / or willfully failed to report material facts for the purpose of obtaining unemployment insurance benefits and is ineligible for waiting week credit and for benefits effective for the dates listed in the Decision and Order as well as the 52 week disqualification period;*
 - a. Inadvertent and accidental reporting errors (see attached spreadsheet with data gleaned from DOL exhibit documentation obtained from DOL and Sears in April 2013).
 - b. Commission findings depend conclusively on updated pay reporting(s), which Claimant had no reasonable knowledge or access to until more than 5 months after Claimant had made initial filing(s), **and to which Claimant, to date, still possess only partial / incomplete pay reporting (through bank statements, and Sears' pay stub).**
 - i. It was / is implausible Claimant forecast / predict the information utilized by the Claimant for reporting of hours and wages, as provided to the Claimant by Sears, was at the time and filing of unemployment claim(s), incomplete or incorrect.
 - ii. All claimed overpayments were caused solely by inadvertence and accident, and made to a Claimant who had no reasonable way of knowing he received benefits to which he was potentially not entitled.

- c. Claimant's response to the Idaho Supreme Court's definition of "willful": Claimant adamantly denies ever knowingly committing omissions, as referred to and asserted in disputed findings / decision. Claimant adamantly denies ever knowingly committing any conscious wrong, as asserted in disputed findings / decision. Claimant adamantly denies ever knowingly committing or with design setting out to violate any rules, regulations, procedures, codes, laws, or protocols, as referred to and asserted in disputed findings / decision, and associated with the filing for unemployment benefits. Therefore, any errors in this regard by the Claimant ARE and must be construed, defined, interpreted, deduced, found, discovered, determined as, and considered strictly as inadvertent and accidental.

and

- 3) False, a strict misinterpretation of the letter ID employment security law(s) and code(s), resulting in inaccurate, skewed, erroneous findings: *Claimant is not entitled to a waiver of the overpayment and must repay the benefits he received, but to which he was not entitled plus penalties.*
- a. Any and all purported discrepancies in this regard are strictly inadvertent and accidental.
- b. Requiring such repayment is contrary to equity and good conscience.
- 4) There remains NO evidence to suggest, prove, or substantiate a willful intent, deceit, dishonesty, or interest in misleading, misappropriating, or defrauding DOL in any manner, shape, way or form in Claimant's filing for unemployment benefits, while at Sears.
- 5) DOL documentation substantiates Claimant consistently filed the weekly unemployment claim(s) with full intent of accuracy at time of filing, and within the designated timeframe as set and regulated by DOL.
- a. At times, the requests from DOL appeared overwhelming, relentless and unending, with some indication of placing the Claimant in a position of self-incrimination. If errors were made on Claimant's part, or that of the DOL or Sears (the Claimant's employer), Claimant consistently freely and willingly responded, and remained more than eager to accurately and expediently rectify them.
- b. The comparison by DOL of recent filings by Claimant (described by DOL as a "seasoned filer"), versus those of previous years, results in an inaccurate conclusion. Previous filings were predominantly extremely straightforward and "concrete", in that Claimant's employer(s) provided timely and immediate accurate information for hours and wages reporting, and which was directly made available to Claimant, i.e., no "guesstimating", no projecting, no consistent and sometimes daily deviations of the most current / updated / conflicting data (dependent on who was now providing the "new" schedule / hours information) from employer(s), no fluidic changes to final hours and wages information.
- 6) Sears, conversely, provided ever fluidic and inconsistent hours and pay data, which Claimant strongly relied upon and methodically endeavored, with all the powers and limitations of a human being, to accurately decipher and report as being the ultimate and correct information. There were simply not enough hours within the constraints of the DOL reporting timeframe to pursue every potential nuance, and guarantee 100% of the time, the current information provided to the Claimant by Sears was entirely accurate, and would not change or be modified, revised, or altered within the next 24 hours, 30 days...or 5 months!
- a. Throughout this timeframe, Claimant undeniably and compliantly followed and adhered to what Claimant perceived, believed, understood, and interpreted as the correct rules and regulations for timely and accurate filing of unemployment claims. Although Claimant at one point received copy of DOL booklet(s) with each physical unemployment payment, since the onset of filing online, Claimant duly swears, testifies, and affirms he has not received, seen, or read a version of this document since approximately mid-2010.
- i. Throughout this timeframe, however, DOL continued unemployment benefit payments to Claimant, with NO stoppage of benefits and NO queries to Claimant by DOL, until April 3, 2013.
- b. Additionally, due to considerable substantiated and indisputable fact(s) that Charles C. Bell DID NOT willfully, willingly, knowingly, or with dishonest intent or design, misrepresent, fail to report a material fact (as was abundantly understood to Claimant at the time of filing), or falsify any documents to obtain unemployment benefits, as adamantly conveyed by Claimant during the telephone hearing of Tuesday, July 9, 2013, as well as distinct legitimate verification of Claimant inadvertently and accidentally submitting discrepancies in claims for unemployment benefits, with validation through application, letter and intent of the following state statutes and laws, the aforementioned decision(s), in the interest and carriage of justice, must be at minimum be allowed reconsideration, and through application through the letter of the law(s), overturned.
- 7) All information / data / definitions / criteria, for the following ID Employment Security Laws, gleaned directly from IIC website:
- a. **S 72-1312 of ID Employment Security Law: Compensable Week**
- "Compensable week means a week of unemployment, all of which occurred within the benefit year, for which an eligible claimant is entitled to benefits and during which:
- 1) The claimant had either no work or less than full-time work; and
 - 2) No benefits have been paid to the claimant; and
 - 3) The claimant complied with all of the personal eligibility conditions of section 72-1366, Idaho Code; and
 - 4) The total wages payable to the claimant for less than full-time work performed in such week amounted to less than one and one-half (1 1/2) times his weekly benefit amount; provided however, that any benefits which a claimant receives for any week shall be reduced by:

- a) An amount equal to the amount received as pension, retirement pay, annuity, or any other similar payment which is based on the previous work of such individual which is reasonably attributable to such week, if the payment is made under a plan maintained or contributed to by the base period employer and the claimant has made no contributions to the plan;
 - b) An amount equal to temporary disability benefits received under a worker's compensation law of any state or under a similar law of the United States; and
- 5) All of which occurred after a waiting week as defined in section 72-1329, Idaho Code.”

➤ **Claimant's Response to Compensable Week:** There remains nothing to substantiate a claim / decision / determination that Claimant did not meet the aforementioned requirements when filing for unemployment benefits. Claimant is in compliance with all “compensable week” requirements as stated above to obtain unemployment benefits. Claimant, when knowingly worked 40 or more hours, judiciously, with willful and full knowledge, design and honest intent, did not claim benefit eligibility or make a claim for unemployment benefits.

b. S72-1329 of ID Employment Security Law: Waiting Week

“Waiting week” means the first week of a benefit year that meets the criteria for a compensable week in section 72-1312(1) through (4), Idaho Code, but for which no benefits will be paid to the claimant. Every claimant shall have a waiting week each benefit year.

➤ **Claimant's Response to Waiting Week:** The waiting week for the year of 2012 had been fulfilled prior to working for Sears, and after discharge of employment through “no cause” at Laughlin and Associates. Idaho state statute states that “a” waiting week each benefit year. One (1), not multiple waiting weeks, in each benefit year.

c. S72-1366(12) of ID Employment Security Law: Materiality, Fraud Determinations

012. For purposes of Idaho Code Section 72-1366(12), a fact is material if it is relevant to a determination of a claimant's right to benefits. All information a claimant is asked to provide when applying for unemployment benefits or when making a continued claim report is material and relevant to a determination of a claimant's right to benefits. To be considered material, the fact need not actually affect the outcome of an eligibility determination. Ref. Section 72- 1366, Idaho Code. (3-19-99)()

013. FRAUD BENEFIT REPAYMENT.

For purposes of Section 72-1366(12), Idaho Code, “any sums received for any week” means all unemployment benefits received in any week it is determined that the claimant received benefits as a result of a willful false statement or failure to report a material fact in order to obtain benefits.

➤ **Claimant's Response to Materiality, Fraud Determinations:** 1) Claimant adamantly denies, and there remains nothing to substantiate any claims to the contrary by DOL and IIC, that Claimant through willful false statements and fraud, materially altered, changed, or falsified information when applying for unemployment benefits, or when making a continued claim for unemployment benefits. 2) Claimant adamantly denies, and there remains nothing to substantiate any claims to the contrary by DOL and IIC, that Claimant ever knowingly committed omissions, as referred to and asserted in disputed findings / decision. Claimant adamantly denies ever knowingly committing any conscious wrong, as asserted in disputed findings / decision. Claimant adamantly denies ever knowingly committing or with design setting out to violate any rules, regulations, procedures, laws, or protocols, as referred to and asserted in disputed findings / decision, and associated with the filing for unemployment benefits. Therefore, any errors in this regard by the Claimant ARE and must be construed, defined, interpreted, deduced, found, discovered, determined as, and considered strictly as inadvertent and accidental. 3) However, Claimant judiciously and with willful design and honest intent, upon bank posting of pay, did review net deposit notification (which is void of pertinent information, i.e., taxes withheld, wage data, hours worked, other than net pay). (4) Claimant judiciously and with willful design and honest intent, upon bank posting of pay, did review deposited net pay amount and compared with estimated pay data as reported to DOL.

d. SS 72-1369(2) and (5) of ID Employment Security Law: Overpayments, Civil Penalties, Collection and Waiver

- 1) (2) Civil penalties. The director shall assess the following monetary penalties for each determination in which the claimant is found to have made a false statement, misrepresentation, or failed to report a material fact to the department:
 - (a) Twenty-five percent (25%) of any resulting overpayment for the first determination;
 - (b) Fifty percent (50%) of any resulting overpayment for the second determination;
 - and
 - (c) One hundred percent (100%) of any resulting overpayment for the third and any subsequent determination.

2) (5) The director may waive the requirement to repay an overpayment, other than one resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, and interest thereon, if:

(a) The benefit payments were made solely as a result of department error or inadvertence and made to a claimant who could not reasonably have been expected to recognize the error; or

(b) Such payments were made solely as a result of an employer misreporting wages earned in a claimant's base period and made to a claimant who could not reasonably have been expected to recognize an error in the wages reported.

➤ **Claimant's Response:** SS 72-1369(2) and (5): 1) As to the director assessing civil penalties (under SS 72-1369(2): Claimant adamantly denies, and there remains nothing to substantiate claims to the contrary by DOL and IIC, Claimant never made false statements, misrepresentations, or failed to report a material (positively, concretely, and unequivocally, known at the time of filing to the Claimant) fact to the department. Therefore, the director is unable, under the letter and intent of this code, to assess any penalties, monetary or otherwise in regard to the decision; 2) As to the director waiving the requirement to repay an overpayment (under SS 72-1369(5). Claimant again adamantly denies ever, within the scope of filing for unemployment benefits in the State of Idaho, making a willful false statement, consciously and knowledgably reporting to create a misrepresentation or falsification of facts, or consciously and knowledgably failing to report a material fact. It is impossible, and Claimant could not have reasonably been expected, based on the conclusion of the aforementioned accounting, to recognize / distinguish / identify any errors in the wages reported by the Claimant at the time of filing, with the data / information available to the Claimant.

➤ **Claimant's Final Response / Argument:** The Respondents (plaintiff: Department of Labor and Idaho Industrial Commission) retained the "burden of proof" in establishing any intentional / deliberate violation of any laws / statutes by the Claimant / Appellant. The aforementioned accounting establishes a complete failure by the Respondents to verify, demonstrate, or prove by the preponderance of the evidence, and application thru the letter of the law(s), as cited within this case.

Respectfully,

Charles Christian Bell

554-27-2454

1009 Terra Avenue

Twin Falls, ID 83301

208.293.4577

charleschristianbell@gmail.com

attachments: direct deposit screen print

Sears pay stub (not made aware of or available to Claimant until April 2013), for-noted direct deposit screen print
numerous letters of reference, both personal and professional

11/05/13 Response for Notice of Appeal

11/05/13 Request for Waiver Indigent Status (and associated monthly budget / expenditures spreadsheets for Bell household)

10/15/13 DOL Wage Explanation Verified

10/16/13 IIC IDOL #4832-2013 (invite through Rule 12, Supreme Court Appeal by Claimant)

check #5251, dated November 3, 2013, made payable to Idaho Supreme Court, in the amount of \$94.50; and, check #5253, dated November 3, 2013, made payable to Idaho Industrial Commission, in the amount of \$50.00.

Interest Checking - 1563: Account Activity Transaction Details

Posting date: 10/05/2012
Amount: 312.49
Type: Deposit
Description: SEARS ROEBUCK AN DES:DIR DEP
ID:91023829519 INDN:BELL,CHARLES
C CO ID:3099686047 PPD

Claimant received only auto-bank deposit for verification of pay amounts. This deposit information is void of taxes withheld, hours worked, and rate of pay.

Claimant did not receive, nor have knowledge of, and was only made aware of physical pay stubs in April 2013. Pay stubs, when received through DOL's request, also are void of hours worked, and rates of pay.

SEARS HOLDINGS

MPI - My Personal Information

Help | Logoff

Home | Name/Address | Emergency Contacts | Associate Discount | My Pay | Direct Deposit | W-4 Federal Withholding | SHC Policy

CHARLES C BELL [Click for Employee ID](#)

Wed Apr 03 09:34:50 EDT 2013

If you need a reprint of a pay check not available here please contact the Associate Service Center at 1-888-88sears.

Select Check Date: 2012-10-05 00:00:00 312.49

\$312.49 was deposited in checking account # XXXXXX1563

EARNINGS AND DEDUCTIONS SUMMARY		
Description	Current Period	Y-T-D
Gross Earnings	\$331.20	\$331.20
Net Earnings	\$312.49	\$312.49
Before and After Tax Deductions	\$.00	\$.00
Taxes	\$18.71	\$18.71
PAID TIME OFF/ANNIVERSARY HOURS		
Vacation As of	04/03/2013	
Earned	.00	
Taken	.00	
Bank	.00	
Anniversary Hours	36.80	
EMPLOYEE INFORMATION		
Employee ID	91023829519	
Department	0210922117	
Location	02109	
TAX DATA		
Description	Federal	State
State		ID
Marital Status	M	M
Allowances	1	1
Addl. Pct	0	0
Addl. Amt	.00	.00

Claimant did not receive, nor have knowledge of, and was only made aware of physical pay stubs in April 2013. Pay stubs, as received through DOL's request, and used as exhibits by DOL in this dispute, also are void of hours worked, and rates of pay.

\$312.49 was deposited in checking account # XXXXXX1563

PAY ADJUSTMENTS ARE FOR THE PRIOR PAY PERIOD UNLESS OTHERWISE NOTED. PLEASE CALL 1-888-887-3277 FOR FURTHER EXPLANATION OF THIS STATEMENT OR SEE [HTTP://88SEARS.COM/COMP/PAY](http://88SEARS.COM/COMP/PAY).

Please call 1-888-887-3277 for questions about this statement.

For further explanation of this wage statement, see 88Sears.com

Treasure Valley Employment Search Networking Group (on LinkedIn.com): Quotes and Recommendations for Charles Christian Bell

Stacy Harshman: Career Coach/Job Search Strategist guiding those frustrated in their jobs to find fulfilling work

January 17, 2011: I have been very impressed with Charles's work in putting together a networking group to assist members in finding jobs. He has worked very hard and provides help to members as a group and also as individuals. This is volunteer work for him but he takes it very seriously. I would highly recommend Charles as an employee. He has proved to be diligent and hard working.

Cleon Pilon: Acquisitions at Rokina Properties

January 14, 2011: Charles work with the TVESNG has been an outstanding display of leadership. Recognizing a need to showcase the talents of professionals, Charles has created a group that is providing a valuable service to the community. He continues to drive this effort with a passion, and has overcome all obstacles he has encountered. To me, he is a demonstrated leader.

Charles Winn: Business Counselor and Workshop Presenter at SCORE "Counselors to America's Small Business"

January 13, 2011: Charles exhibits concern for the others and like a real leader, he is resourceful; takes appropriate action; and produces positive results. In a given situation he is able to understand the problem and evaluate input from others to make and act on his decision.

John Horne: VP-Sales

January 13, 2011: Charlie is a colleague and friend I would recommend without hesitation, for his professionalism, industry knowledge, business insights, and willingness to assist hundreds of professionals in their career pursuits. Charlie is widely recognized in the business community for helping others achieve their career goals.

9/27/10

Re: Charles Bell

To Whom It May Concern,

Charles Bell has been a volunteer for the Meridian Boys and Girls Club for the past year. He was helped in a number of areas but has been most keenly involved in the Teen Center. Teens always present a unique challenge, they have good verbal skills but are still developing emotional competencies and forward thinking. So they take a special combination of respect, patience, caring and commitment. Charles has shown that commitment.

He developed a career readiness and money handling program that taught the teens the skills they were going to need in the adult world. Things like saving, investing, managing a career, and preparing for emergencies were all included in his program. It was also flexible enough for teens to join in and drop off at different point so that they could learn a bit, go off to other things, and come back and get more.

The real thing about teens is they take time. Time to warm up to you, time to talk to you, time to make their mistakes and learn from them, but mostly time to develop the kinds of relationships that serve to guide them in making good decisions in their own lives. Charles has given them the time to make those relationships. Our teens know him, they trust him, and they treasure their time with him. Charles decided to volunteer his space time to make a difference, and he has done that, and all of our teens are better for it.

If you have any questions, please feel free to contact me.

Robert Weseman
Program Director
Meridian Boys and Girls Club
(208) 954-5030
Rob.weseman@bgclubidaho.org



JAY V. HYDE, AIA
ARCHITECT

Dear Human Resources Manager:

April 2004

I have been acquainted with Charles Bell for 13 years. In 1991, he came to work for my partners and me at SH²A, Inc. Working under my supervision, Mr. Bell was a significant team member. In this role, he produced quality construction and design documents, on numerous projects including:

- The Lodi Unified School District Education Support Center, Lodi, CA
- The Varsity Theater Renovation, Davis, CA
- First Baptist Church of Foothill Farms, Sacramento, CA

While Charles was employed by SH²A, the advisability of continuing with the Arris computer assisted drafting system was reevaluated. Mr. Bell's experience with Arris and AutoCAD was of immeasurable value to our firm. He convinced the principals of abandoning the Arris software and switching to a format being adopted throughout the architectural and engineering industries. His sagacious advice and perceptive foresight saved us considerable resources... that would have been spent had we not changed systems.

I retired from SH²A in 1994. In 1998, while a Project Manager at NADEL Architects in Sacramento, I recruited Charles Bell to again work with me. NADEL is an international firm specializing in office and retail projects. Charles and I collaborated in various projects within the Retail Division. At NADEL, Charles gained vast industry experience, especially in the development of neighborhood shopping centers and markets (55,000+ SF). He also utilized successful, yet innovative and unique, management capabilities while working with other team members within the Retail Division.

At SH²A and NADEL, Charles demonstrated a keen interest in developing and implementing systems to streamline production. This effort resulted in valuable detail libraries, and customized toolbars for easy access to repetitive items, etc.

I am confident you will find Charles Bell to be an enthusiastic team player, and a positive asset to your firm. Please contact me for additional information you may require.

Respectfully,

Jay V. Hyde, AIA, CSI
California Architect C-11529
(916) 921-9063 (H)
(916) 443-1033 ex 39 (W)
jhyde@mognot.com

2220 RALSTON ROAD, SACRAMENTO, CALIFORNIA 95821-4633

(916) 921-9063



Dreyfuss & Blackford Architects

3540 Folsom Boulevard
Sacramento, Ca 95816

Call 916 453-1234
Fax 916 453-1236

April 2, 1997

CHARLES BELL - LETTER OF RECOMMENDATION

To Whom It May Concern:

Charles Bell has worked at Dreyfuss & Blackford for nearly one year. During his time with the firm, he has demonstrated a thorough understanding of CADD drafting and has contributed significantly to the design team for projects on which he has worked. His fast hand and good communications skills have made him a valuable team member.

Our workload is such that we are forced to reduce our drafting staff. I am sorry to see him go. I would highly recommend Charles to a firm who is looking for an experienced and thorough CADD drafter.

Very truly yours,

DREYFUSS & BLACKFORD ARCHITECTS

John C. Webre, AIA
President

JCW:lh



IDAHO INDUSTRIAL COMMISSION

PO Box 83720
Boise, ID 83720-0041
(208) 334-6000 - FAX (208) 334-2321
1-800-950-2110

COMMISSIONERS
Thomas E. Limbaugh,
Thomas P. Baskin
R.D. Maynard

C.L. "BUTCH" OTTER, GOVERNOR

Mindy Montgomery, D

October 16, 2013

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

RE: IDOL # 4832-2013

Dear Mr. Bell:

The Industrial Commission is in receipt of your correspondence dated October 15, 2013, and I have placed this correspondence in your file. The Commission will not construe this correspondence as an appeal to the Supreme Court. As outlined in the Rules of Appellate Practice and Procedure Under the Idaho Employment Security Law, Rule 12 provides a means for appealing a final decision of the Industrial Commission.

If you wish to Appeal the final decision to the Supreme Court, please file your appeal pursuant to Rule 12 and I will be happy to process it for you. There is also information on the Supreme Court Website at <http://www.isc.idaho.gov/appeals-court> under the tab Pro Se to assist you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kim Helmandollar".

Kim Helmandollar
Assistant Commission Secretary

CHARLES C BELL
RHONDA J BELL
1009 TERRA AVENUE
TWIN FALLS, ID 83301
(208)733-3959

5251
92-371/1231 ID
99409

November 3, 2013
Date

Pay Idaho Supreme Court
to the order of
Ninety four

\$ 94.00
100/100 Dollars



Harland Clarke

Bank of America

ACH R/T 123103716

Memo APPEALS FEE

Charles C Bell

⑆ ⑆ 23 ⑆ 03 ⑆ 7 ⑆ 1 ⑆ 6 ⑆ : 0000 ⑆ 7 ⑆ 8 ⑆ 8 ⑆ 1 ⑆ 5 ⑆ 6 ⑆ 3 ⑆ ⑆ 5 ⑆ 2 ⑆ 5 ⑆ ⑆

CHARLES C BELL
RHONDA J BELL
1009 TERRA AVENUE
TWIN FALLS, ID 83301
(208)733-3959

5253
92-371/1231 ID
99409

November 3, 2013
Date

Pay Idaho Industrial Commission
to the order of
Fifty

\$ 50.00
100/100 Dollars



Harland Clarke

Bank of America

ACH R/T 123103716

Memo RECORD FEES

Charles C Bell

⑆ ⑆ 23 ⑆ 03 ⑆ 7 ⑆ 1 ⑆ 6 ⑆ : 0000 ⑆ 7 ⑆ 8 ⑆ 8 ⑆ 1 ⑆ 5 ⑆ 6 ⑆ 3 ⑆ ⑆ 5 ⑆ 2 ⑆ 5 ⑆ ⑆

Establishing Facts / Information
to Show
Indigency of the Applicant

Charles C. Bell's Hourly Pay Rate x Monthly Hours Worked	Charles C. Bell's Monthly Gross Wage	Charles C. Bell's Approx Taxes Withheld	Charles C. Bell's Net Take Home	+ Spouse's SSD	Total Net Income	Total Difference for Current / Actual Expenses	Total Difference Factoring in Prudent Products / Expenditures	Total Difference Factoring in "Average" Household Expenditures	
\$7.25 x 192 =	\$ 1,392.00	12%	\$ 1,224.96	\$1,040.00	\$ 2,264.96		\$1,225.00	\$580.00	
					MONTHLY LIVING EXPENSES	\$2,853.53	(\$588.57)	(\$1,813.57)	(\$2,393.57)

Current / Actual Monthly Expenses

Average Monthly Medical Expenditure 2013 (prescriptions, doc visits, med imaging, labs, hospital); (see Monthly Medical Accounting spreadsheet)	\$369.12
Car Insurance	\$85.00
Cell Phones	\$45.00
Clothing (averaged over year per month = \$35 per person a month; shoes, gloves, coats, dress slacks, ties, jeans, sweaters, undergarments, etc.)	\$70.00
Dental Visits (averaged over year per month)	\$50.00
Dish Network	\$30.00
Electricity	\$70.00
Entertainment (movies, dinner out, sports / games, books, CDs, farmers markets)	\$150.00
Gasoline (2 automobiles)	\$175.00
Groceries	\$600.00
Hair Cuts x 2 (incl tips)	\$50.00
Misc Monthly Expenditures (postage, lunches @ work, office supplies, gifts, car repairs, dry cleaning, newspaper)	\$150.00
Mortgage	\$437.00
Natural Gas (heating)	\$85.00
Pedicure (Rhonda, due to medical issues, is unable to independently reach feet)	\$25.00
Phone / Internet	\$82.00
Prescription Glasses (2 prescriptions, averaged over 2 years, per month)	\$25.00
Principal (additional) Only on Mortgage (2011: purchased new home requiring mortgage based on false long-term employment contract in TF)	\$163.00 (home in Meridian, ID was owned outright)
Property Insurance	\$37.14
Taxes (approx)	\$83.27
Water / Sewer / Garbage	\$72.00

Current Prudent / Ideal Expenditures (unable to finance)

401k / Savings	currently: \$0.00	ideally: \$500.00
Emergency Funds	currently: \$0.00	ideally: \$150.00
House Maintenance	currently: \$0.00	ideally: \$100.00
Life Insurance	currently: \$0.00	ideally: \$100.00
Medical Insurance (for Charlie)	currently: \$0.00	ideally: \$250.00
Vacations / Travel	currently: \$0.00	ideally: \$125.00

Current Average Household (estimated) Expenditures (unable to finance)

Car Payments (currently)	\$0.00	average: \$350.00
Cell Phones (currently)	\$45.00 (+\$30.00)	average: \$30.00
Credit Cards (currently)	\$0.00	average: \$200.00

Date(s) of Service	Doctor(s) / Company	Lab	Account #	Comment	Check #	Chase Visa	Debit	Date Paid	\$ Paid	2013 TOTAL PAID	average per month:
										\$ 3,691.25	\$ 369.12
											(change formula each month)
12/10/2012	Southern ID Radiology - Walsh	x	MR00498702		5084			1/29/2013	\$ 14.00		
3/7/2013	Boise Pathology Group, PA	x	MR00498702	refund				3/7/2013	\$ (6.76)		
1/14/2013	Olmstead		24223	dermatology	5088			2/7/2013	\$ 114.87		
12/5; 12/7; 01/7	Fall; Reddy		NM001299148		5089			2/7/2013	\$ 47.21		
12/10/2012	St. Luke's Magic Valley	x	MF040697567		5091			2/9/2013	\$ 41.23		
1/7/2013	St. Luke's Magic Valley	x	MF040927378		5091			2/9/2013	\$ 13.62		
1/2/2013	Center for Physical Rehab		551	pres: tens unit	5056	x		1/2/2013	\$ 75.00		
2/13/2013	Isaiah Austin - Ophthalmologist			C&R eye(s) exam	5096	x		2/13/2013	\$ 110.00		
2/13/2013	Costco - Ophthalmology			C&R glasses			x	2/13/2013	\$ 582.94		
2/18/2013	Joel Newton - DDS			dental consultation	5097	x		2/18/2013	\$ 110.00		
12/26; 12/28; 12/31; 01/02; 01/09; 01/16	Center for Physical Rehab		551	physical therapy	5099			2/22/2013	\$ 95.26		
1/23/2013	Center for Physical Rehab		551	physical therapy	5107			3/11/2013	\$ 11.45		
3/20/2013	Fitzhugh Vision Clinic		25793	eye exam	5120			3/20/2013	\$ 17.60		
2/19/13; 3/19/13	St. Lukes Clinic, LLC - Csanky		NM001299148 / ST2130841665NM	gastroenterologist	5121			3/30/2013	\$ 14.19		
04/17/13; 04/18/13	Walgreens		\$9.32 + 15.89	prescriptions	5131	x		4/19/2013	\$ 25.21		
03/20 & 21/13	Southern ID Radiology - Wasserstro	x	MR00498702	radiology	5134			4/21/2013	\$ 23.15		
4/24/2013	Walgreens		\$7.24 + 7.63	prescriptions	5135	x		4/24/2013	\$ 14.87		
04/09 & 04/10/2013	St. Luke's Magic Valley	x	MF041617630 / MF041626185 / MF041618836	lab & scans before surgery	5136			4/26/2013	\$ 196.07		
4/17/2013	St. Luke's Magic Valley		MF0417837-5	prescriptions	5138			4/29/2013	\$ 7.98		
4/17/2013	OptumRX		131233088049054	prescript @ hospital		refund		5/6/2013	\$ (0.55)		
3/20/2013	Fitzhugh Vision Clinic		25793	eye exam	5141			5/2/2013	\$ 8.99		
Feb, Mar, April 2013	Csanky; Allen		ST2131121703NM	consultations; shots	5142			5/2/2013	\$ 43.71		
5/9/2013	Walgreens			prescriptions hep C	5146	x		5/9/2013	\$ 19.75		
12/20/2012	Verst Spine & Orthopedic Care		8584	tear between i4 & i5	5147			5/11/2013	\$ 19.36		
03/12; 04/01; 04/19; 04/26	St. Luke's Magic Valley	x	MC041338013 / MF041735457 / MF041662172	labs, clinic, & vaccine	5148			5/14/2013	\$ 58.14		
Feb, Mar, April, May 2013	St. Lukes Clinic, LLC		ST2131401703NM	multiple procedures	5155			5/27/2013	\$ 168.07		
4/17/2013	St. Luke's Magic Valley		MF041783705 / MF041954017	laposcopic surgery	5160			6/4/2013	\$ 954.04		
4/17/2013	Valley Pathology Assoc	x	02-100812	labs	5157			6/2/2013	\$ 7.09		
6/2/2013	Walgreens			prescriptions hep C	5158	x		6/2/2013	\$ 14.46		
5/13/2013	Southern ID Radiology - Buccambuso	x	MR00498702	radiology	5167			6/16/2013	\$ 2.02		
5/17/2013	Walgreens			prescriptions hep C			x	5/17/2013	\$ 15.80		
5/17/2013	Walgreens			prescriptions hep C			x	5/17/2013	\$ 9.32		
5/28/2013	Walgreens			prescriptions hep C	5156			5/28/2013	\$ 89.95		
6/2/2013	Walgreens			prescriptions hep C	5158			6/2/2013	\$ 14.46		
6/24/2013	St. Luke's Magic Valley	x	MF042055111 / MF042109223 / MF042189266 / MF042253716	labs, pharmacy	5174			6/24/2013	\$ 172.79		
6/24/2013	St. Lukes Clinic, LLC		ST2131681744NM	Office Visit / Procedure	5175			6/24/2013	\$ 90.12		
5/28/2013	Valley Pathology Assoc	x	02-100812	labs	5178			7/3/2013	\$ 56.91		
7/5/2013	Walgreens			90-day prescriptions	5180	x		7/5/2013	\$ 46.91		
6/17/2013	St Lukes Clinic, LLC - Dr. Reddy, Rheumatologist		ST2131961757NM (all other charges on billing disputed due to medical error from hepC treatment)	Office Visit	5190			7/22/2013	\$ 9.44		
5/24/2013	Southern Radiology	x	MR00498702	labs	5191			7/22/2013	\$ 5.42		
7/23/2013	Walgreens			prescription - arthritis	5193	x		7/23/2013	\$ 7.08		
05/23; 05/24	Southern ID Radiology - Dixon	x		radiology	5211			8/25/2013	\$ 10.17		
9/11/2013	Walgreens			prescription - abscess			x	9/11/2013	\$ 15.99		
8/9/2013	Healthcare Finance - SLMV		MF04230144 HCF	75% discounted	5220			9/14/2013	\$ 30.00		
5/13; 5/17; 5/09; 7/8; 7/25; 8/8	St. Lukes Clinic - Kohring, Berk, Cogen		ST2132521770NM	Office Visits / hep C	5221			9/16/2013	\$ 52.41		
9/18/2013	Walgreens			prescription - arthritis			x	9/18/2013	\$ 2.60		
9/23/2013	Costco			prescription - hepC	cash			9/23/2013	\$ 18.01		
10/8/2013	Walgreens			90-day prescriptions		x		10/8/2013	\$ 58.85		
10/9/2013	Walgreens			prescription - arthritis		x		10/9/2013	\$ 22.47		
10/13/2013	St. Lukes Clinic - Kohring, Berk, Cogen		ST2132801744NM	Office Visits / hep C	5238			10/13/2013	\$ 15.00		
10/13/2013	Healthcare Finance - SLMV		MF42301044 HCF	Office Visits / hep C	5239			10/13/2013	\$ 27.00		
10/17/2013	Costco			flu shot - Charlie			x	10/17/2013	\$ 13.99		
10/18/2013	Walgreens			prescription - stomach			x	10/18/2013	\$ 6.73		
10/20/2013	Walmart			prescription blood pressure cuff	5248			10/20/2013	\$ 52.99		
10/24/2013	Costco			prescription - stomach			x	10/24/2013	\$ 43.85		
10/30/2013	Walgreens			prescription - arthritis	5250	x		10/31/2013	\$ 7.26		


final hours as reported by Sears unavailable and strictly unknown to Claimant until **APRIL 2013**

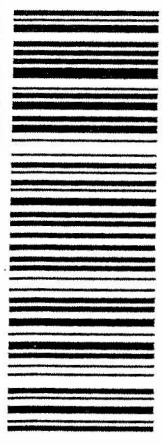
Claimant did not receive physical (no weekly, no bi-weekly, no monthly) pay stub from Sears (which does NOT indicate hours, only net pay); Claimant only had access to and accurate and current (at time of filing to April 2013) knowledge of bank auto deposit documentation (which only indicates net deposit, not hours, not applicable taxes)

Pay Period		Estimation % of Hours / Pay Period	Sears Pay Date: 1 week after end of pay period	Total Hours Reasonably Estimated by Claimant (based on scheduled hours at the time of filing from Sears)	Calculated Total Weekly Claimant Pay from Sears (gleaned from pay stubs received by Claimant in April 2013 from DOL)	Amount Declared to DOL by Claimant (deduction earned)	Finalized Total Bi-Weekly Claimant Pay from Sears (gleaned from pay stubs received in April 2013)	Difference (when different, strictly honest, inadvertant, accidental, unintentional, on the part of the Claimant, Sears, and DOL)	DOL Paid (gleaned from DOL Benefit Payment History)	Verified Amount DOL Paid to Claimant
9/25/2012	9/29/2012	100.00%	10/5/2012	36.80	\$331.20	\$315.00	\$331.20	(\$16.20)	\$199.00	x
9/30/2012	10/6/2012	43.08%		27.31	\$245.79	\$297.00		\$51.21	\$217.00	x
10/7/2012	10/13/2012	56.92%	10/19/2012	36.08	\$324.72	\$333.00	\$570.51	\$8.28	\$181.00	x
10/14/2012	10/20/2012	47.23%		33.70	\$303.61	\$245.00		(\$58.61)	\$269.00	x
10/21/2012	10/27/2012	52.77%	11/2/2012	37.65	\$339.20	\$338.75	\$642.81	(\$0.45)	\$175.00	x
10/28/2012	11/3/2012	47.77%		35.65	\$258.46	\$340.00		\$81.54	\$174.00	x
11/4/2012	11/10/2012	52.23%	11/16/2012	38.98	\$282.60	\$525.00	\$541.06	\$242.40	\$329.00	x
11/11/2012	11/17/2012	44.29%		44.06		\$225.00		\$225.00	\$289.00	x
11/18/2012	11/24/2012	55.71%	11/30/2012	55.41		\$0.00	\$1,494.93	\$0.00	\$0.00	
11/25/2012	12/1/2012	53.98%		42.50	\$332.55	\$339.73		\$7.18	\$174.00	x
12/2/2012	12/8/2012	46.02%	12/14/2012	36.23	\$283.49	\$266.05	\$616.04	(\$17.44)	\$170.00	x
12/9/2012	12/15/2012	48.72%		41.38	\$332.84	\$250.00		(\$82.84)	\$264.00	x
12/16/2012	12/22/2012	51.28%	12/28/2012	43.55	\$350.29	\$254.00	\$683.13	(\$96.29)	\$260.00	x
12/23/2012	12/29/2012	52.81%		44.63	\$329.11	\$270.00		(\$59.11)	\$244.00	x
12/30/2012	1/5/2013	47.19%	1/11/2013	39.88	\$294.08	\$286.38	\$623.19	(\$7.70)	\$228.00	x
1/6/2013	1/12/2013	52.58%		43.75	\$317.18	\$302.75		(\$14.43)	\$211.00	x
1/13/2013	1/19/2013	47.42%	1/25/2013	39.46	\$286.08	\$276.50	\$603.26	(\$9.58)	\$238.00	x
1/20/2013	1/26/2013	48.54%		45.16	\$366.73	\$280.00		(\$86.73)	\$234.00	x
1/27/2013	2/2/2013	51.46%	2/8/2013	47.88	\$388.82	\$280.00	\$755.55	(\$108.82)	\$234.00	x
2/3/2013	2/9/2013	46.15%		30.00	\$316.29	\$280.00		(\$36.29)	\$234.00	x
2/10/2013	2/16/2013	53.85%	2/22/2013	35.01	\$369.12	\$240.00	\$685.41	(\$129.12)	\$274.00	x
2/17/2013	2/23/2013	47.86%		33.33	\$319.60	\$280.00		(\$39.60)	\$234.00	x
2/24/2013	3/2/2013	52.14%	3/8/2013	36.31	\$348.18	\$240.00	\$667.78	(\$108.18)	\$274.00	x
3/3/2013	3/9/2013	51.47%		23.12	\$216.69	\$240.00		\$23.31	\$274.00	x
3/10/2013	3/16/2013	48.53%	3/22/2013	21.80	\$204.31	\$150.00	\$421.00	(\$54.31)	\$343.00	x
3/17/2013	3/23/2013	58.34%		24.93	\$234.60	\$171.50		(\$63.10)	\$343.00	x
3/24/2013	3/30/2013	41.66%	4/5/2013	17.80	\$167.50	\$122.50	\$402.10	(\$45.00)	\$0.00	x
3/31/2013	4/6/2013	57.11%		26.03	\$259.75	\$183.75		(\$76.00)	\$0.00	
4/7/2013	4/13/2013	42.89%	4/19/2013	19.55	\$195.09	\$137.81	\$454.84	(\$57.28)	\$0.00	x
4/14/2013	4/20/2013	49.61%		20.21	\$190.92	\$140.00		(\$50.92)	\$0.00	
4/21/2013	4/27/2013	50.39%	5/3/2013	20.53	\$193.95	\$182.25	\$384.87	(\$11.70)	\$0.00	x
4/28/2013	5/4/2013	45.09%		23.51	\$0.00	\$176.25		\$176.25	\$0.00	
5/5/2013	5/11/2013	54.91%		28.63	\$0.00	\$0.00		\$0.00	\$0.00	

-\$414.53 \$6,066.00

OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™


Charles C. Bell
1009 Terra Ave.
Twin Falls, ID 83301



7013 1710 0001 2569 1657



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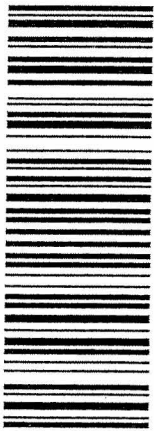
83720

U.S. POSTAGE
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TWIN FALLS, ID
83301
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AMOUNT
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*Ms. Kim Helmandollar
Assistant Commission Secretary
P.O. Box 83720
Boise, ID 83720-0041*

Charles C. Bell
1009 Terra Ave.
Twin Falls, ID 83301

CERTIFIED MAIL™



7013 1710 0001 2569 1664



UNITED STATES
POSTAL SERVICE

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TWIN FALLS, ID
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NOV 07 13
AMOUNT

\$4.62

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Deputy Attorney General
Idaho Industrial Commission
Unemployment Appeals
P.O. Box 83720
Boise, ID 83720-0041

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

RECEIVED
SUPREME COURT OF IDAHO
2013 NOV 15 9:04

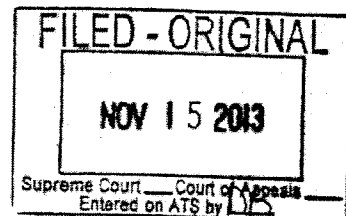
CHARLES C. BELL,
Claimant/Appellant,
v.
SEARS,
Employer/Respondent,
and
IDAHO DEPARTMENT OF LABOR,
Respondent.

2013 NOV 15 A 9:04
SUPREME COURT NO. 41542

CERTIFICATE OF APPEAL
OF CHARLES C. BELL

Appeal From: Industrial Commission, Chairman Thomas P. Baskin presiding.
Case Number: IDOL # 4832-2013
Order Appealed from: DECISION AND ORDER ENTERED SEPTEMBER 16, 2013
AND ORDER DENYING RECONSIDERATION ENTERED
OCTOBER 10, 2013
Representative/Claimant: CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301
Representative/IDOL: TRACEY K ROLFSEN
IDAHO DEPARTMENT OF LABOR
317 W MAIN ST.
BOISE ID 83735
Appealed By: CHARLES C. BELL, Claimant/Appellant
Appealed Against: SEARS and IDAHO DEPARTMENT OF LABOR/Respondents
Notice of Appeal Filed: July 24, 2013
Appellate Fee Paid: \$94.00 (check attached)

CERTIFICATE OF APPEAL OF CHARLES C. BELL - 1

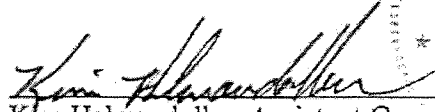


Name of Reporter:

Transcript:

Dated:

October 14, 2013

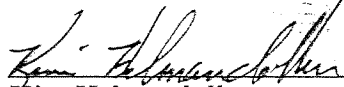

Kim Helmandollar, Assistant Commission Secretary



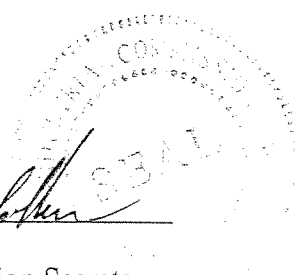
CERTIFICATION

I, Kim Helmandollar, the undersigned Assistant Commission Secretary of the Industrial Commission of the State of Idaho, hereby CERTIFY that the foregoing is a true and correct photocopy of the Notice of Appeal filed July 24, 2013; Decision and Order filed September 16, 2013; and Order Denying Reconsideration filed October 10, 2013; and the whole thereof, Docket Number 4832-2013 for Charles C. Bell.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 14th day of November, 2013.



Kim Helmandollar
Assistant Commission Secretary



BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

CHARLES C. BELL,

Claimant/Appellant,

v.

SEARS,

Employer/Respondent,

and

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41542

AMENDED
CERTIFICATE OF APPEAL
OF CHARLES C. BELL

Appeal From: Industrial Commission, Chairman Thomas P. Baskin presiding.

Case Number: IDOL # 4832-2013

Order Appealed from: DECISION AND ORDER ENTERED SEPTEMBER 16, 2013
AND ORDER DENYING RECONSIDERATION ENTERED
OCTOBER 10, 2013

Representative/Claimant: CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301

Representative/IDOL: TRACEY K ROLFSEN
IDAHO DEPARTMENT OF LABOR
317 W MAIN ST.
BOISE ID 83735

Appealed By: CHARLES C. BELL, Claimant/Appellant

Appealed Against: SEARS and IDAHO DEPARTMENT OF LABOR/Respondents

Notice of Appeal Filed: November 12, 2013


Appellate Fee Paid: \$94.00 (check attached)

AMENDED CERTIFICATE OF APPEAL OF CHARLES C. BELL - 1

Name of Reporter: M DEAN WILLIS
PO BOX 1241
EAGLE ID 83616

Transcript: Transcript ordered

Dated: November 20, 2013




Kim Helmandollar, Assistant Commission Secretary

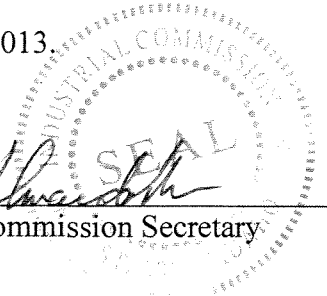
CERTIFICATION OF RECORD

I, Kim Helmandollar, the undersigned Assistant Commission Secretary of the Industrial Commission, do hereby certify that the foregoing record contains true and correct copies of all pleadings, documents, and papers designated to be included in the Agency's Record on appeal by Rule 28(3) of the Idaho Appellate Rules and by the Notice of Appeal, pursuant to the provisions of Rule 28(b).

I further certify that all exhibits admitted in this proceeding are correctly listed in the List of Exhibits (i). Said exhibits will be lodged with the Supreme Court after the Record is settled.

DATED this 17th day of December, 2013.


Assistant Commission Secretary



BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

CHARLES C. BELL,

Claimant/Appellant,

v.

SEARS,

Employer/Respondent,

and

IDAHO DEPARTMENT OF LABOR,

Respondent.

SUPREME COURT NO. 41542

NOTICE OF COMPLETION

TO: Stephen W. Kenyon, Clerk of the Courts; and
Charles C. Bell, Pro Se, Claimant/Appellant; and
Tracey K. Rolfsen, Esq., for Idaho Department of Labor/Respondent.

YOU ARE HEREBY NOTIFIED that the Agency's Record was completed on this date, and, pursuant to Rule 24(a) and Rule 27(a), Idaho Appellate Rules, copies of the same have been served by regular U.S. mail upon each of the following:

Address For Claimant/Appellant

CHARLES C BELL
1009 TERRA AVENUE
TWIN FALLS ID 83301


Address For Respondent


TRACEY K ROLFSEN
DEPUTY ATTORNEY GENERAL
317 W MAIN STREET
BOISE ID 83735

NOTICE OF COMPLETION (CHARLES C. BELL, SC # 41542) - 1

You are further notified that, pursuant to Rule 29(a), Idaho Appellate Rules, all parties have *twenty-eight days* from this date in which to file objections to the Record, including requests for corrections, additions or deletions. In the event no objections to the Agency's Record are filed *within the twenty-eight day period*, the Transcript and Record shall be deemed settled.

DATED at Boise, Idaho this 17th day of December, 2013.

INDUSTRIAL COMMISSION

Kim Helmandollar
Assistant Commission Secretary

The seal is circular with a dotted border. The text "INDUSTRIAL COMMISSION" is written along the top inner edge, and "STATE OF IDAHO" is written along the bottom inner edge. A five-pointed star is positioned at the bottom center of the seal. The word "SEAL" is printed in large, bold, capital letters across the center of the seal.