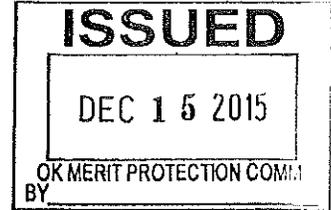


**OKLAHOMA MERIT PROTECTION COMMISSION  
STATE OF OKLAHOMA**

JOHNNY CHINN, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 OKLAHOMA TOURISM AND )  
 RECREATION DEPARTMENT, )  
 )  
 Appellee. )

Case No. MPC-15-061



**ORDER ON APPELLEE'S MOTION FOR CLARIFICATION**

This matter comes on for consideration of the Motion for Clarification filed herein by Appellee, the Oklahoma Tourism and Recreation Department. The undersigned Administrative Law Judge, having reviewed the motion and the response filed by Appellant, Johnny Chinn, having reviewed the Final Order entered herein, and being fully advised in the premises, finds as follows:

1. The undersigned Administrative Law Judge entered his Final Order in this case on August 12, 2015. The Final Order was filed on August 17, 2015. The Final Order provided, *inter alia*, that:

Appellee shall immediately reinstate Appellant at the same employment level he had attained at the time of his discharge and pay any and all benefits lost to Appellant by imposition of the discharge.

2. Appellee's Request for Reconsideration of the Final Order was denied by the Oklahoma Merit Protection Commission pursuant to the Commissioner's Final Petition Decision filed herein on October 7, 2015.

3. Appellee filed its Motion for Clarification on November 10, 2015, asking for clarification of the Final Order as to whether unemployment benefits received by Appellant, in the amount of \$10,600.00, should be deducted from the amount due to Appellant under the Final Order

and, if so, whether the deduction should be made from the gross or net amount due from Appellee to Appellant.

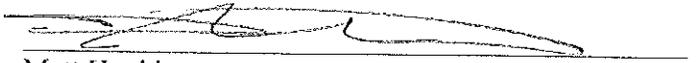
4. Appellant responded on November 20, 2015, that the unemployment benefits Appellant received should not be deducted from the amount due from Appellee to Appellant, and argued that any overpayment of Appellant's unemployment benefits was a matter between Appellant and the Oklahoma Employment Security Commission. Appellant also requested the Appellee be ordered to pay the sums due to Appellant under the Final Order by a date certain.

5. Pursuant to 40 O.S. § 2-105.1, any overpayment of unemployment benefits received by Appellant shall be collected by the Oklahoma Employment Security Commission in the manner provided in 40 O.S. § 2-613. Accordingly, any overpayment of unemployment benefits received by Appellant is a matter to be addressed between Appellant and the Oklahoma Employment Security Commission. The matter involves neither Appellee nor the Merit Protection Commission.

**IT IS THEREFORE ORDERED** that the Final Order entered herein does not provide that Appellee should deduct any unemployment benefits received by Appellant, and no such deduction should be made.

**IT IS FURTHER ORDERED** that Appellee shall pay all sums due to Appellant pursuant to the Final Order immediately, and in any event, no later than ten (10) days after the date on which this Order is filed.

**Dated this 15<sup>th</sup> day of December, 2015.**

  
Matt Hopkins  
Administrative Law Judge  
OKLAHOMA MERIT PROTECTION COMMISSION  
3545 N.W. 58<sup>th</sup> Street, Suite 360  
Oklahoma City, OK 73112  
(405) 525-9144