

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAKIESHA RENFRO
Claimant

APPEAL NO. 23A-UI-08826-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/04/23
Claimant: Appellant (6)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Code Section 96.4(7) – Re-employment Services
871 IAC 24.2(1)(e) – Failure to Report as Directed
Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Administrative Code Rule 871-26.8(1) – Dismissal of Appeal, No Aggrieved Party

STATEMENT OF THE CASE:

On September 15, 2023, LaKiesha Renfro (claimant) filed a timely appeal from the September 5, 2023 (reference 06) decision that denied benefits effective August 27, 2023, based on the deputy's conclusion that the claimant failed to report for Reemployment and Eligibility Assessment (RESEA) on September 1, 2023 and, therefore, did not meet the availability requirements for the period beginning August 27, 2023 . An appeal hearing was set for October 2, 2023 and the parties were properly notified of the appeal hearing. On September 22, 2023, Iowa Workforce Development RESEA submitted a request to dismiss the appeal and provided a copy of the September 22, 2023 (reference 07) decision. Based on the appeal, the reference 06 decision, and the reference 07 decision, the administrative law judge concludes a hearing is unnecessary and that the appeal should be dismissed.

ISSUES:

Whether the claimant is aggrieved by the September 5, 2023 (reference 06) disqualification decision in light of the September 22, 2023 (reference 07) decision.
Whether the appeal should be dismissed.

FINDINGS OF FACT:

Having reviewed the appeal and the relevant administrative record, the administrative law judge finds:

LaKiesha Renfro established an original claim for benefits that was effective June 4, 2023.

On September 5, 2023, Iowa Workforce Development Benefits Bureau issued the reference 06 decision that denied benefits effective August 27, 2023, based on the deputy's conclusion that the claimant failed to report for Reemployment and Eligibility Assessment (RESEA) on

September 1, 2023 and, therefore, did not meet the availability requirements for the period beginning August 27, 2023 .

On September 15, 2023, the claimant filed a timely appeal from the September 5, 2023 (reference 06) decision.

On September 22, 2023, Iowa Workforce Development issued a reference 07 decision that allowed benefits to the claimant effective August 27, 2023, provided the claimant was otherwise eligible, based on the deputy's conclusion the claimant had been disqualified for benefits due to failure to report for a Reemployment and Eligibility Assessment (RESEA) but since then had participated in the assessment. The reference 07 decision modified and effectively reversed the September 5, 2023 (reference 06) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party.

Iowa Administrative Code rule 871-26.8(1) provides as follows: "An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor."

Because the September 22, 2023 (reference 07) decision modified and effectively reversed the September 5, 2023 (reference 06) disqualification decision, the claimant is no longer aggrieved by the reference 06 decision. Through the reference 07 decision, the claimant has received all remedy potentially available through her appeal of the reference 06 decision. Because there is no longer a basis for the appeal, it is appropriate to dismiss the appeal.

DECISION:

Because the September 22, 2023 (reference 07) decision modified and effectively reversed the September 5, 2023 (reference 06) disqualification decision, the claimant is no longer aggrieved by the reference 06 decision. The claimant's appeal from the reference 06 decision is DISMISSED. The reference 07 decision that allowed benefits effective August 27, 2023, provided the claimant is otherwise eligible, remains in effect. The appeal hearing set for October 2, 2023 is CANCELED.



James E. Timberland
Administrative Law Judge

September 26, 2023
Decision Dated and Mailed

JET/jkb

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.