

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

SHERRY M RODRIGUEZ

Claimant,

and

TRI CITY ELECTRIC CO OF IOWA

Employer.

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HEARING NUMBER: 14B-UI-09466

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.6-3

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board notes that this matter was remanded by the Administrative Law Judge on the issue of severance payments counting as wages for the purposes of the second benefit year. The issue in front of us is timeliness of the appeal on the *separation* issue. Even if we found the appeal to the Administrative Law Judge timely, and we do not, still we could only address the separation. The only issues noticed for hearing were timeliness and separation, and so we have no authority to rule on

questions of monetary eligibility. Since the issue of monetary eligibility has been remanded then an aggrieved person may appeal an adverse decision result from that remand to the Appeals Bureau and from there to this Board. Until then the Board cannot address the issue.

Kim D. Schmett

Ashley R. Koopmans

RRA/fnv