

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MELISSA M PENMAN
Claimant

APPEAL NO. 17A-UI-09677-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASPIRE RESOURCES INC
Employer

OC: 08/27/17
Claimant: Appellant (6)

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:

Melissa Penman filed a timely appeal from the September 15, 2017, reference 01, decision that denied benefits effective August 27, 2017, based on the claims deputy's conclusion that Ms. Penman had requested and was granted a leave of absence, was deemed voluntarily unemployed and was not available for work. An appeal hearing was set for October 5, 2017 and the parties were properly notified of the hearing. Upon review of the agency's administrative file, the administrative law judge concludes there is no need for a hearing and that the appeal should be dismissed. The administrative law judge takes official notice of the October 2, 2017, reference 02, decision.

ISSUE:

Whether Ms. Penman remains an aggrieved party vis-à-vis the September 15, 2017, reference 01, decision.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Melissa Penman established an original claim for unemployment insurance benefits that was effective August 27, 2017. On September 15, 2017, an Iowa Workforce Development claims deputy entered a reference 01 decision that denied benefits effective August 27, 2017, based on the claims deputy's conclusion that Ms. Penman had requested and was granted a leave of absence, was deemed voluntarily unemployed and was not available for work. On October 2, 2017, a Workforce Development claims deputy entered a reference 02 decision that indicated the reference 01 decision had been entered in error and was, through the reference 02 decision, nullified and voided.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presupposes and requires 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 15, 2017, reference 01, decision has been nullified and voided by the Iowa Workforce Development Benefits Bureau, Ms. Penman can no longer be deemed aggrieved by the reference 01 decision. For that reason, Ms. Penman’s appeal from the September 15, 2017, reference 01, decision is dismissed.

DECISION:

The September 15, 2017, reference 01, has been nullified and voided by the Benefits Bureau. Accordingly, the claimant is no longer aggrieved by the decision. The claimant’s appeal is dismissed.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs