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

DERRICK B MITCHELL

   Claimant,

and

EXPRESS SERVICES INC

   Employer.

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HEARING NUMBER: 13B-UI-09722

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

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: 96.4-3

D E C I S I O N

FINDINGS OF FACT:

The administrative law judge issued a decision in this matter September 27, 2013. The decision was favorable to the Claimant. On October 4, 2013, the Claimant appealed the decision of the administrative law judge to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

Pursuant to 486 IAC 3.1(2), "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the employment appeal board . . . ." The Employment Appeal Board interprets an aggrieved person to be one who receives an unfavorable decision from the administrative law judge. Here the decision of the administrative law judge is favorable to the Claimant. For this reason the Claimant's appeal must be and is dismissed.

DECISION:

The appeal of the Claimant is **DISMISSED**. The decision of the administrative law judge remains in full force and effect.

The Employment Appeal Board would also note that the Claimant was granted benefits in a claims deputy's decision dated August 20, 2013 for being "able and available for his regular hours. Although he did not participate in the hearing before the administrative law judge, the administrative law judge affirmed the claims deputy's decision that granted benefits for the time frame at issue.

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John A. Peno

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Cloyd (Robby) Robinson

AMG/fnv