

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JUSTIN J SCHRADER**

Claimant

**AGRI STAR MEAT & POULTRY LLC**

Employer

**APPEAL 20A-UI-13140-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/07/20**

**Claimant: Appellant (6)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-26.8(1) - Dismissal

**STATEMENT OF THE CASE:**

On October 16, 2020, Justin J. Schrader (claimant/appellant) filed an appeal regarding his claim for Pandemic Unemployment Assistance (PUA). However, the agency set it up as an appeal from the unemployment insurance decision dated September 21, 2020, reference 01, which determined he was not eligible for regular unemployment insurance benefits. On November 23, before a hearing was held, the claimant contacted the agency and clarified the decision he was appealing. As the claimant is not appealing the decision dated September 21, reference 01, no testimony was necessary and no hearing was held.

**ISSUE:**

Should the appeal be dismissed because it was set up in error?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant appealed his denial of PUA and not the denial of regular unemployment insurance benefits. The incorrect decision was docketed for appeal due to agency error.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge dismisses the appeal as it was set up in error.

Iowa Admin. Code r. 871-26.8(1) provides:

Withdrawals, dismissals, and postponements.

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

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.

As the claimant does not disagree with the denial of regular unemployment insurance benefits and the appeal was set up in error by the agency, the appeal is dismissed.

**DECISION:**

The appeal of the unemployment insurance decision dated September 21, 2020, reference 01, is dismissed as it was set up in error.

The hearing for the PUA appeal will be scheduled at the same time this hearing was scheduled. The employer is not a party to the PUA appeal and does not need to take any further action.



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Stephanie R. Callahan  
Administrative Law Judge

December 3, 2020  
Decision Dated and Mailed

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