

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VERNARD WHITLEY
Claimant

TELLWORKS COMMUNICATIONS LLC
Employer

APPEAL 19R-UI-09866-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/15/19
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

On October 16, 2019, the claimant filed an appeal from the October 7, 2019, (reference 07) unemployment insurance decision that denied benefits based on claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on November 5, 2019. Claimant participated. Employer participated through Dustin Ritchie and Stacy Payne. Claimant's Exhibit A was admitted into the record. On November 7, 2019, administrative law judge Blair A. Bennett issued a decision denying benefits based on claimant's unavailability for work.

On November 25, 2019, claimant filed an appeal with the Employment Appeal Board. On December 12, 2019, the Employment Appeal Board issued a decision finding the appeal timely and also incorrectly finding that claimant did not participate in the hearing on November 5 and remanding the case for a new hearing.

On December 12, 2019, the Unemployment Insurance Appeals Bureau set up a new appeal in accordance with the Employment Appeal Board's instructions before realizing that the Employment Appeal Board's decision was made in error.

ISSUE:

Was this appeal remanded to the Appeals Bureau for a new hearing in error?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The Employment Appeal Board remanded this case to the Appeals Bureau in error. A hearing in this case has taken place and the claimant participated in the hearing. The issue has been fully heard and decided on the merits. The Employment Appeal Board can find a recording of the hearing by referencing the companion case, 19A-UI-08061-B2-T. No additional hearing is necessary.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that this matter was remanded to the Appeals Bureau in error. The decision denying claimant benefits remains in effect. The only way for claimant to have that decision overturned is **FILE ANOTHER TIMELY APPEAL OF THIS DECISION WITH THE EMPLOYMENT APPEAL BOARD.**

DECISION:

The October 7, 2019, (reference 07) decision is affirmed. The Employment Appeal Board remanded this case to the Appeals Bureau in error. The representative's decision denying benefits remains in full force and effect. The only way for claimant to have that decision overturned is **FILE ANOTHER TIMELY APPEAL OF THIS DECISION WITH THE EMPLOYMENT APPEAL BOARD.**



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

December 27, 2019
Decision Dated and Mailed

cal/scn