

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

INNOCENSIA N YONGBANG
Claimant

APPEAL NO. 21A-UI-03884-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAPETREE MEDICAL STAFFING INC
Employer

OC: 12/27/20
Claimant: Respondent (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:

The employer filed a timely appeal from the January 19, 2021, reference 01, decision. That decision allowed benefits to the claimant for the period beginning December 27, 2020, provided the claimant was otherwise eligible. The decision concluded that the claimant was receiving the same employment from this employer as existed earlier in the employment. The decision held that this employer's account would not be charged for benefits paid to the claimant for the period beginning December 27, 2020. The decision directed the employer to notify Iowa Workforce Development if and when the claimant separated from the employment so that future benefit eligibility and liability could be determined. A telephone hearing was scheduled for March 19, 2020, and the parties were properly notified. The employer appeared through Danielle Einck. The claimant did not provide a number for the hearing and did not appear. Upon review of the January 19, 2021, reference 01, decision, the Agency's administrative records, and the employer's appeal, the administrative law judge determined that a hearing was unnecessary.

ISSUE:

Whether the employer is aggrieved by the January 19, 2021, reference 01, decision.
Whether the employer's appeal should be dismissed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective December 27, 2020. The claimant's employment with this employer is part-time, supplemental. The claimant has other full-time employment. The claimant has not made any weekly claims and has not received any benefits in connection with the December 27, 2020 claim.

On January 19, 2021, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01, decision. That decision allowed benefits to the claimant for the period beginning December 27, 2020, provided the claimant was otherwise eligible. The decision concluded that the claimant was receiving the same employment from this employer as existed earlier in the

employment. The decision held that this employer's account would not be charged for benefits paid to the claimant for the period beginning December 27, 2020. The decision directed the employer to notify Iowa Workforce Development if and when the claimant separated from the employment so that future benefit eligibility and liability could be determined. This employer's account has not been charged for benefits.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require 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."

The text of the January 19, 2021, reference 01, decision could more clearly communicate the substance and effect of the decision. The decision implied that the claimant met the able and available requirements at the time she established her claim. The decision acknowledged there had been no change in this part-time, supplemental employment and relieved this employer of liability for benefits so long as the claimant continues in the employment under the same conditions. The decision provided all remedy available to the employer. There would be no more remedy available in connection with the appeal. In other words, this employment is not aggrieved by the January 19, 2021, reference 01, decision. Accordingly, there is no basis for and no need for further proceedings in connection with the appeal. The appeal is dismissed.

DECISION:

The January 19, 2021, reference 01, decision remains in effect. The employer is not aggrieved by the decision. The employer's appeal is dismissed.



James E. Timberland
Administrative Law Judge

March 22, 2021
Decision Dated and Mailed

jet/lj