

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUTH M FLEMING
Claimant

APPEAL 21A-UI-12279-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC:03/21/21
Claimant: Appellant (1)

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant/appellant, Ruth M. Fleming, filed an appeal from the April 2, 2021 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on July 23, 2021. The hearing was held together with Appeal 21A-UI-12276-JC-T. The claimant participated personally. The administrative law judge took official notice of the administrative records. Claimant Exhibits 1-28 were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the appeal timely?

Was the claimant’s inquiry on a separate issue erroneously set up as an appeal?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established claims for benefits with effective dates of March 22, 2020 and March 21, 2021.

On March 27, 2021, IWD issued a reference 01 initial decision (original claim date: March 22, 2020) which denied benefits to the claimant. She appealed the decision and had an unemployment hearing. See 21A-UI-10621-DG-T.

On April 1, 2021, IWD issued a reference 02 decision (original claim date: March 21, 2021) which denied benefits based upon claimant not earning sufficient wages to be monetarily eligible for regular state benefits in a second year. That decision is at issue for this appeal. On May 13, 2021, IWD issued a reference 01 decision (original claim date: March 21, 2021) which denied benefits and that issue is addressed in Appeal 21A-UI-12276-JC-T.

At the hearing, claimant acknowledged she did not work from March 22, 2020 until April 1, 2021. She is a substitute teacher for the Iowa Community School district. Claimant also stated she had not intended to file an appeal to this decision when she filed an April 2, 2021 appeal to the March 27, 2021 decision.

The administrative records reflect a July 16, 2021 decision was issued that appears to allow Pandemic Unemployment Assistance (PUA) benefits. The decision for this hearing will not negatively impact any approval of PUA benefits.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant's inquiry on a separate issue was erroneously set up as an appeal and hearing in error. The representative's decision has become final and remains in full force and effect.

DECISION:

The April 2, 2021 (reference 02) decision is affirmed. The claimant's inquiry on a separate issue and was erroneously set up as an appeal. The representative's decision has become final and remains in full force and effect.



Jennifer L. Beckman
Administrative Law Judge
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July 30, 2021
Decision Dated and Mailed

jlb/kmj