

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUBEN R RAMOS

Claimant

ADVANCE SERVICES INC

Employer

APPEAL 20A-UI-15908-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/16/20

Claimant: Appellant (6)

Iowa Code § 96.3(4) – Determination of Benefits

Iowa Code § 96.6(2) – Timeliness of Appeal

Iowa Code Ch. 17A – Iowa Administrative Procedure Act

Iowa Code Ch. 96 – Iowa Employment Security Act

Iowa Admin. Code r. 871-24.19(3) – Determination and review of benefit rights

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Claimant/appellant, Ruben R. Ramos , filed an appeal from the November 2, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits effective September 22, 2020 based upon separation.

A prior decision dated October 5, 2020 (reference 01) which denied claimant’s request to add wages to his monetary record was also set for appeal based upon the same appeal letter, with this appeal number.

After proper notice, a telephone hearing was conducted on January 28, 2021. The hearing was held with Appeal 15809-JC-T. Claimant participated personally. Employer participated through Melissa Lewien, risk manager. Official notice was taken of the administrative records. Department Exhibit D-1, Employer Exhibit A and Claimant Exhibits B and C were admitted.

During the hearing, under oath, claimant stated he not intend to file an appeal to the October 5, 2020 (reference 01) decision, and only intended to file an appeal to the November 2, 2020 (reference 02) decision.

ISSUE:

Was the appeal set up in error?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: Claimant/appellant, Ruben R. Ramos , filed an appeal from the November 2, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits effective September 22, 2020 based upon separation.

A prior decision dated October 5, 2020 (reference 01) which denied claimant's request to add wages to his monetary record was also set for appeal based upon the same appeal letter, with this appeal number. However, claimant did not intend to appeal the reference 01 initial decision, and only intended to appeal the reference 02 decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.19(3) provides:

Determination and review of benefit rights.

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the benefits bureau may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final, and benefits shall be paid or denied in accordance therewith.

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

Withdrawals, dismissals, and postponements.

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 tape-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.

The claimant in this case did not intend to file an appeal to the October 5, 2020 (reference 01) initial decision. The administrative law judge has reviewed the records and files herein and concludes that the appeal should be dismissed as it was set up in error. The October 5, 2020 (reference 01) initial decision denying a request to add wages is affirmed and final at this time.

Note to claimant: This decision does not impact your appeal to the separation decision in Appeal 20A-UI-15909-JC-T.

DECISION:

The October 5, 2020 (reference 01) appeal is dismissed as it was set up in error. The October 5, 2020 (reference 01) initial decision denying a request to add wages is affirmed and final at this time.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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February 16, 2021
Decision Dated and Mailed

jlb/kmj