

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN M NEUHAUS
Claimant

CITY OF HUXLEY
Employer

APPEAL 22A-UI-02943-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/15/20
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Timeliness of Appeal / Protest
Iowa Code § 96.7(8)B(4) – Application for Redetermination
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

On January 19, 2022, City of Huxley filed an appeal from Notice of Reimbursable Benefit Charges issued for the fourth quarter of 2021 (reference 01). This appeal was inadvertently set up with the incorrect claimant, an individual who had not and does not currently work for this employer. The appeal was set up in error, and it shall now be dismissed.

ISSUE:

Should the appeal be dismissed as set up in error?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. On January 15, 2022, Iowa Workforce Development issued a Notice of Reimbursable Benefit Charges to the City of Huxley for the fourth quarter of 2021. Four days later, on January 19, City of Huxley submitted an appeal of that statement of charges.

Around this same time, on January 18, 2021, the Appeals Bureau received an appeal pertaining to claimant Nathan M. Neuhaus's claim for benefits. When entering the appeals, a member of the intake team inadvertently keyed in claimant Nathan M. Neuhaus's and employer City of Huxley's information into the same appeal. As these parties have no employment relationship and there is no underlying decision involving both of these parties, this appeal was set up in error and will now be dismissed.

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 underlying decisions involving (1) claimant Nathan M. Neuhaus and his employer and (2) City of Huxley and its employee have been set up for hearing and those hearings have now been scheduled and held. This matter, which was set up in error, will now be dismissed.

DECISION:

The appeal is now dismissed as it was set up in error, and there is no underlying issue to adjudicate at an appeal hearing.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

March 18, 2022
Decision Dated and Mailed

lj/lj