

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JULIO C MACIAS RUIZ**  
Claimant

**APPEAL NO: 15A-UI-03017-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DARLING INTERNATIONAL INC**  
Employer

**OC: 01/25/15**

**Claimant: Appellant (2)**

Section 96.6-2 – Amendment of Initial Determination – Appeal Moot  
Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Julio C. Macias Ruiz (claimant) appealed a representative's February 18, 2015 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Darling International, Inc. (employer). An appeal was set up, but prior to the hearing being scheduled, the Agency issued a new decision on the separation. Therefore, the undersigned administrative law judge determined that no hearing was necessary and a decision should be made on the record.

**ISSUE:**

Does the February 18, 2015 (reference 02) decision remain in effect?

**OUTCOME:**

Reversed. Benefits allowed.

**FINDINGS OF FACT:**

The representative's decision denying benefits on the separation was issued on February 18, 2015. On March 11, 2015 the Agency issued a new decision, reference 04, which found that the separation was not disqualifying. The new deadline for appeal in that decision, should the employer wish to assert that the separation should be disqualifying, is March 21, 2015 (extended to Monday, March 23, 2015).

**REASONING AND CONCLUSIONS OF LAW:**

A party aggrieved by a representative's decision has ten days after issuance of the decision to appeal, or the decision becomes final. Iowa Code § 96.6-2. Since the most recent Agency decision regarding the separation amended the prior determination and concluded that the separation was not disqualifying, the claimant is no longer an aggrieved party.

The responsibility is now on the employer to appeal the amended decision by the new deadline, if it wishes to challenge the claimant's eligibility based upon the merits of the separation.

**DECISION:**

The representative's February 18, 2015 decision (reference 02) has been reversed by the issuance of the March 11, 2015 (reference 04) decision, concluding that the employer did discharge the claimant but not for disqualifying reasons. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. Therefore, the appeal on the February 18, 2015 (reference 02) decision is moot. Any further appeal on the separation must be made by the employer to the March 11, 2015 (reference 04) decision.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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