

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN E JOHNSON
Claimant

APPEAL NO. 09A-UI-01917-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACTION STAFFING
Employer

OC: 07/06/08 R: 02
Claimant: Respondent (5)

Iowa Code section 96.6 – Aggrieved Party Required
Iowa Code section 96.4(3) – Still Employed Same Hours and Wages

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 6, 2009, reference 03, decision that allowed benefits and relieved the employer of liability for benefits so long as the claimant continued in the employment under the same hours and wages as existed prior to his additional claim for benefits. Hearing was scheduled for February 27, 2009, but was not held, because it was not necessary. At the time set for hearing, the administrative law judge discussed the appeal with the parties. Barb Hooper, owner, was present on behalf of the employer. Claimant Steven Johnson was also present. In entering the following decision, the administrative law judge has taken official notice of the Agency's administrative file.

ISSUE:

Whether the employer is an aggrieved party for purposes of an appeal from the February 6, 2009, reference 03 decision.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 6, 2009, a Workforce Development representative entered a reference 03 decision that allowed benefits and that relieved the employer of liability for benefits so long as the claimant continued in the employment under the same hours and wages as existed prior to his additional claim for benefits. On February 25, 2009, a Workforce Development representative entered a reference 04 decision that allowed benefits and relieved the employer of liability in connection with the claimant's separation from the employment to accept new employment.

REASONING AND CONCLUSIONS OF LAW:

The appeals procedure in Iowa Code 96.6 presupposes and requires an appeal filed by an aggrieved party. The employer was not an aggrieved party in connection with the February 6, 2009, reference 03, decision that allowed benefits and that relieved the employer of liability for benefits so long as the claimant continued in the employment under the same hours and wages as existed prior to his additional claim for benefits. In other words, the decision that relieved the

employer of liability for benefits paid to the claimant provided the employer with all of the remedy available to the employer under the law and there is no further remedy available. Accordingly, the administrative law judge concludes that there is no legal basis for the appeal and that the appeal should be dismissed. The parties indicate that they are in agreement that all available remedy has already been granted.

DECISION:

The Agency representative's decision dated February 6, 2009, reference 03 is affirmed. The employer is not an aggrieved party. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw