

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TATE J RILEY
Claimant

TEMP ASSOCIATES – BURLINGTON INC
Employer

APPEAL 16A-UI-08789-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/10/16
Claimant: Appellant (6)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

Due to agency error, the Appeals Bureau processed an appeal by claimant Tate J. Riley from the August 2, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant failed to notify the temporary employment firm within three working days of the completion of his last work assignment. Claimant did not, in fact, appeal this decision. Subsequent agency action corrected this decision and found in claimant's favor: specifically, the August 3, 2016, (reference 02) unemployment insurance decision allowed benefits based upon a determination that claimant had good cause to fail to report to the temporary employment firm within three working days. The employer appealed that decision.

In an effort to resolve any confusion and thoroughly address all outstanding issues, the Appeals Bureau held a telephone hearing for both decisions on September 14, 2016, and the parties were properly notified of this hearing. The claimant, Tate J. Riley, did not participate. The employer, Temp Associates – Burlington Inc., participated through Jennifer Schwartz. Employer's Exhibit 1 and Department's Exhibits D-1 and D-2 were received and admitted into the record without objection.

ISSUE:

Did the claimant file an appeal from a favorable decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant did not file an appeal of the August 2, 2016 (reference 01) unemployment insurance decision that denied benefits. Rather, the employer filed an appeal of the August 3, 2016 (reference 02) unemployment insurance decision, and this was mistakenly set up as a claimant appeal of the decision not favorable to him.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the employer's appeal on a separate decision (the August 3, 2016, (reference 02) unemployment insurance decision allowed benefits) was erroneously set up as a claimant appeal from the decision unfavorable to him (the August 2, 2016, (reference 01) unemployment insurance decision that denied benefits). Thus, the appeal was set for hearing in error. Additionally, as the decision favorable to claimant was issued after the decision unfavorable to him, even if claimant had appealed the unfavorable decision, that issue became moot when the Claims Bureau issued the favorable decision.

DECISION:

This matter was set for hearing in error. The representative's decision dated August 2, 2016 (reference 01) is moot, as it was supplanted by the August 3, 2016 (reference 02) decision.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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