

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BURFEAU**

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

RUSSELL J SCOTT
Claimant

APPEAL NO. 19A-UI-04413-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/24/19
Claimant: Appellant (6)

Iowa Code Section 96.4(3) – Able & Available
Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Administrative Code Rule 871-26.8(1) – Dismissal of Appeal, No Aggrieved Party

STATEMENT OF THE CASE:

Russell Scott filed a timely appeal from the May 24, 2019, reference 04, decision that denied benefits effective May 19, 2019, based on the deputy's conclusion that Mr. Scott failed to report as directed and therefore did not meet the availability requirement. After due notice was issued, a hearing was set for June 25, 2019. Mr. Scott registered a telephone number for the hearing, but could not be reached at that number for the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-04412-JTT. Upon review of the Agency's administrative records, the administrative law determined that an appeal hearing was unnecessary. The administrative law judge took official notice of the June 5, 2019, reference 06, decision.

ISSUE:

Whether Mr. Scott continues to be aggrieved by the May 24, 2019, reference 04, decision that denied benefits effective May 19, 2019, based on the deputy's conclusion that Mr. Scott failed to report as directed and therefore did not meet the availability requirement.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Russell Scott established an original claim for benefits that was effective March 24, 2019. On May 24, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 04 decision that denied benefits effective May 19, 2019, based on the deputy's conclusion that Mr. Scott failed to report as directed and therefore did not meet the availability requirement. On June 5, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 07 decision that allowed benefits provided Mr. Scott was otherwise eligible, based on the deputy's conclusion that Mr. Scott had an acceptable reason for not appearing as directed on May 17, 2019.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party.

Iowa Administrative Code rule 871-26.8(1) provides as follows: "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 June 5, 2019, reference 07, decision effectively reversed the May 24, 2019, reference 04, decision from which Mr. Scott appeals in this matter. For that reason, Mr. Scott is no longer aggrieved by the May 24, 2019, reference 04, decision and his appeal from that decision may be dismissed.

DECISION:

The claimant's appeal from the May 24, 2019, reference 04, decision is dismissed. That decision has been effectively reversed by the June 5, 2019, reference 07, decision that allowed benefits provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had an acceptable reason for not appearing as directed on May 17, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs