

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
Website: eab.iowa.gov**

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**KENNY J PETERS**

Claimant

and

**ADVANCE SERVICES INC**

Employer

: **APPEAL NUMBER:** 23B-UI-05244  
: **ALJ HEARING NUMBER:** 23A-UI-05244  
:  
: **EMPLOYMENT APPEAL BOARD**  
: **DECISION**  
:  
:  
:

**SECTION: 96.7-2**

**DECISION**

**FINDINGS OF FACT:**

The administrative law judge issued a decision June 14, 2023. The decision was favorable to the Claimant. On June 26, 2023, the Claimant appealed the decision of the administrative law judge to the Employment Appeal Board.

**REASONING AND CONCLUSIONS OF LAW:**

Pursuant to 486 IAC 3.1(2), "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the employment appeal board . . . ." The Employment Appeal Board interprets an aggrieved person to be one who receives an unfavorable decision from the administrative law judge. Here the decision of the administrative law judge was favorable to the Claimant, as the Employer's Protest was initially deemed untimely. However, when the administrative law judge's decision reversed that decision based on the evidence presented at the hearing, the issue of the Claimant's separation had yet to be determined. The Claimant's eligibility status at this juncture remains the same until a hearing and decision has been made on the Claimant's separation pursuant to the administrative law judge's decision in this matter. For now, the Claimant's appeal must be and is dismissed.

**DECISION:**

The Claimant's appeal is **DISMISSED**. The decision of the administrative law judge remains in full force and effect.

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James M. Strohman

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Ashley R. Koopmans

AMG/fnv

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Myron R. Linn