

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICK R TITUS
Claimant

APPEAL 22A-UI-12184-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/20/22
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Determination and review of benefit rights
Iowa Admin. Code r. 871-26.8(1) - Withdrawals, dismissals and postponements

STATEMENT OF THE CASE:

On May 12, 2022, Nick R. Titus (claimant) filed an appeal from the May 10, 2022 unemployment insurance decision that denied regular unemployment insurance benefits and found he was overpaid benefits. That appeal was inadvertently applied to a decision that was issued in claimant's favor. An appeal hearing was set up for the appeal of the favorable decision in error.

ISSUE:

Should the appeal of the decision in claimant's favor be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an appeal to the unemployment insurance benefits decision that denied unemployment insurance benefits. A mistake was made when entering the appeal into the system, which prompted this appeal of a favorable decision to be entered. This appeal is not necessary, as the decision is in claimant's favor.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.19(3) provides:

Determination and review of benefit rights.

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the benefits bureau may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant

or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final, and benefits shall be paid or denied in accordance therewith.

Iowa Admin. Code r. 871-26.8(1) provides

Withdrawals, dismissals, and postponements.

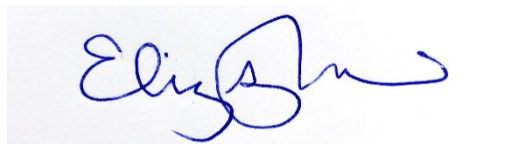
An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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 claimant filed an appeal and that appeal was correctly applied to three decisions adverse to him: 22A-UI-12187; 22A-UI-12188; and 22A-UI-12189. Additionally, this appeal (22A-UI-12184) was set up in error. The appeal of the favorable decision that was set up in error shall be dismissed.

DECISION:

The appeal in this case is dismissed as it is an appeal set up in error. The claimant's appeals from the unemployment insurance benefits decisions denying benefits shall be addressed in 22A-UI-12187; 22A-UI-12188; and 22A-UI-12189.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

June 23, 2022
Decision Dated and Mailed

lj/lj