

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**ELIZABETH K WARNER**  
Claimant

**APPEAL NO: 18A-UI-01578-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KWIK SHOP INC**  
Employer

**OC: 01/07/18**  
**Claimant: Appellant (6)**

Iowa Code 96.5(1) – Voluntary Quit  
Iowa Administrative Code rule 871-26.8(1) – Dismissal of Appeal from Non-aggrieved Party

**STATEMENT OF THE CASE:**

Elizabeth Warner filed an appeal from the January 31, 2018, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Warner voluntarily quit on September 22, 2017 without good cause attributable to the employer. An appeal hearing was set for February 27, 2017 and the parties were properly notified. Ms. Warner registered a telephone number for the hearing and appeared for the hearing. The employer did not comply with the hearing notice instructions to register a telephone number for the hearing and did not appear for the hearing. Based upon the claimant/appellant's failure to participate in the hearing and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law and decision. Based on review of the Agency's administrative records at the time of the hearing, the administrative law judge determined that an appeal hearing was unnecessary.

**ISSUE:**

Whether Ms. Warner's appeal from the January 31, 2018, reference 01, decision should be dismissed, based on Ms. Warner no longer being aggrieved by the decision.

**FINDINGS OF FACT:**

Claimant Elizabeth Warner established an original claim for benefits that was effective January 7, 2018. On January 31, 2018, a Workforce Development Benefits Bureau deputy entered a reference 01, decision that disqualified Ms. Warner for benefits and that relieved the employer's account of liability for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Warner voluntarily quit on September 22, 2017 without good cause attributable to the employer. The decision indicated that the disqualification would continue until Ms. Warner had earned wages for insured work equal to 10 times her weekly unemployment insurance benefit amount after the separation date and that Ms. Warner would have to meet all other eligibility requirements. On February 20, 2018, a Benefits Bureau deputy entered a reference 10 decision that allowed benefits to Ms. Warner, effective January 7, 2018, provided she meets all other eligibility requirements and that relieved the employer's account of liability for benefits,

based on the Benefits Bureau deputy's conclusion that Ms. Warner had met the 10 times earning requirement and had therefore requalified for benefits subsequent to the separation from the employment and prior to the January 7, 2018 original claim date.

**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. 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. Iowa Administrative Code rule 871-26.8(1).

The February 20, 2018, reference 10, decision held that Ms. Warner had requalified for benefits subsequent to her September 2017 separation from Kwik Shop, Inc. and prior to the January 7, 2018. Accordingly, the February 20, 2018, reference 10, decision rendered moot the disqualification issue and the separation issues addressed in the January 31, 2018, reference 01, decision. With the entry of the February 20, 2018, reference 10, decision, Ms. Warner had received all available remedy from the January 31, 2018, reference 01, decision and is no longer aggrieved from the decision. Accordingly, Ms. Warner's appeal from the January 31, 2017, reference 01, decision is dismissed.

**DECISION:**

The claimant's appeal from the January 31, 2018, reference 01, decision is dismissed. The claimant requalified for benefits effective January 7, 2018, as indicated in the February 20, 2018, reference 10, decision and therefore is no longer aggrieved by the January 31, 2018, reference 01, decision.

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Decision Dated and Mailed

jet/rvs