

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HAMIDA ODOBASIC
Claimant

CITY OF DUBUQUE
Employer

APPEAL 22A-UI-01449-B2-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/28/21
Claimant: Appellant (6)

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:

The claimant filed an appeal from the December 14, 2021 unemployment insurance decision that allowed benefits. As claimant was allowed benefits in this matter, an appeal should not have been created as claimant is eligible for and receiving benefits.

ISSUE:

Should the appeal with this incorrect case number in this matter 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 allowed benefits. A mistake was made by entering the appeal into the system which prompted this incorrect appeal number (21A-UI-01449) to be entered. No appeal hearing should have been set in this matter as claimant is receiving unemployment benefits.

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An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 to the December 14, 2021 unemployment insurance decision that allowed benefits. No appeal need be set up for a claimant when the claimant is already receiving benefits. As such, the appeal with the incorrect case number should be dismissed.

DECISION:

The appeal in this case is dismissed as the appeal should not have been created. This appeal with the incorrect case number should be dismissed.



Blair A. Bennett
Administrative Law Judge

February 10, 2022
Decision Dated and Mailed

bab/mh