

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

RUSSELL J SCOTT
Claimant

APPEAL NO. 19A-UI-04412-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

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 02, decision that denied benefits for the week of April 28, 2019 through May 4, 2019, based on his weekly claim report that indicated he was not able to work and available for work. 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-04413-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 02, decision that denied benefits for the week of April 28, 2019 through May 4, 2019, based on his weekly claim report that indicated he was not able to work and available for work.

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 02 decision that denied benefits for the week of April 28, 2019 through May 4, 2019, based on Mr. Scott's weekly claim report that indicated he was not able to work and available for work. On June 5, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 06 decision that allowed benefits beginning April 28, 2019, based on the deputy's conclusion that Mr. Scott was available for work and had merely incorrectly reported his availability for the week that ended May 4, 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 06, decision effectively reversed the May 24, 2019, reference 02, decision from which Mr. Scott appeals in this matter. For that reason, Mr. Scott is no longer aggrieved by the May 24, 2019, reference 02, decision and his appeal from the decision may be dismissed.

DECISION:

The claimant's appeal from the May 24, 2019, reference 02, decision is dismissed. That decision has been effectively reversed by the June 5, 2019, reference 06, decision that allowed benefits effective April 28, 2019 provided the claimant is otherwise eligible.

Because entry of the June 5, 2019, reference 06, decision and its effective reversal of the May 24, 2019, reference 02, decision, impacts on the June 5, 2019, reference 09, overpayment decision, this matter is remanded to the Benefits Bureau for that bureau's review of the overpayment determination.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs