

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A RENNER
Claimant

APPEAL NO. 15A-UI-02234-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/21/14
Claimant: Appellant (6)**

Iowa Code Section 96.3(7) – Overpayment
Iowa Code Section 96.6 – Aggrieved Party Requirement

STATEMENT OF THE CASE:

James Renner filed a timely appeal from the February 9, 2015, reference 03, decision that he was overpaid \$1176 in benefits for three weeks between January 4, 2015 and January 24, 2015. An appeal hearing was set for March 26, 2015 and Mr. Renner was properly notified. The hearing in this matter was to be consolidated with the hearing in Appeal No. 15A-UI-02233-JTT. Mr. Renner did not provide a telephone number for the hearing. For the reasons set forth below a hearing is unnecessary and the appeal is dismissed.

ISSUE:

Whether Mr. Renner is an aggrieved party in connection with the February 9, 2015, reference 03, decision that he was overpaid \$1176 in benefits for three weeks between January 4, 2015 and January 24, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 6, 2015, a Workforce Development Claims Deputy entered a reference 02, decision that disqualified James Renner for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that the claimant had been discharged on December 4, 2014, for excessive unexcused absenteeism. The disqualification decision prompted a February 9, 2015, reference 03, decision that the claimant was overpaid \$1,176.00 for three weeks between January 4, 2015 and January 24, 2015. On February 18, 2015, the claimant filed a late appeal from the February 6, 2015, reference 02, disqualification decision and a timely appeal from the February 9, 2015, reference 03, overpayment decision. On February 19, 2015, the Benefits Bureau at Iowa Workforce Development notified the Appeals Section staff that the February 6, 2015, reference 02, disqualification decision had been entered in error and had been nullified. The Benefits Bureau indicated at that time that the overpayment decision had been “removed.” The Appeals Section staff did not immediately share this communication with the administrative law judge. The administrative law judge became aware of the nullified decisions on the day of the appeal hearing.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presupposes and requires the existence of an aggrieved party. The claimant is no longer an aggrieved party in connection with February 6, 2015, reference 02, disqualification decision or the February 9, 2015, reference 03, decision because the Agency has nullified both decisions. For that reason, the claimant's appeal from both decisions is hereby dismissed.

DECISION:

The February 9, 2015, reference 03, decision had been nullified. The claimant is no longer aggrieved by the decision. Accordingly, the appeal in this matter is dismissed.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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