

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CRYSTAL R MULLINIX
Claimant

APPEAL 24A-UI-02282-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/28/24
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Able & Available
Iowa Admin. Code r. 87124.2(1)(e) – Failure to Report as Directed
Iowa Code Section 96.6 Aggrieved Party Requirement
Iowa Administrative Code Rule 87126.8(1) – Dismissal of Appeal, No Aggrieved Party

STATEMENT OF THE CASE:

On February 26, 2024 Crystal Mullinix (claimant) filed a timely appeal from the Iowa Workforce Development (IWD) February 22, 2024 (reference 03) decision that denied benefits effective February 18, 2024, based on the IWD representative's conclusion the claimant failed to report as directed during the week of February 18, 2023 and therefore did not meet the availability requirement effective February 18, 2024.

On March 5, 2024, Iowa Department of Inspections, Appeals, and Licensing (DIAL) UI Appeals Bureau mailed a notice of hearing to the claimant and to IWD RESEA/RCM at the last known addresses of record for a telephone hearing set for 10:00 a.m. on March 22, 2024. Neither party participated. Neither party complied with the hearing notice instructions to call the toll-free number at the time of the hearing.

At the time of the hearing, the administrative law judge discovered a March 8, 2024 (reference 04) decision that IWD had neither provided nor brought to the attention of the Appeals Bureau. Upon review of the appeal and the reference 03 and 04 decisions, the administrative law judge determined the claimant's appeal from the reference 03 decision should be dismissed.

ISSUES:

Whether the claimant is aggrieved by the February 22, 2024 (reference 03) disqualification decision in light of the March 8, 2024 (reference 04) decision.

Whether the claimant's appeal should be dismissed.

FINDINGS OF FACT:

Crystal Mullinix (claimant) is the appellant in this matter. DIAL UI Appeals Bureau properly notified the claimant/appellant of the scheduled appeal hearing. The administrative law judge was available for the hearing as scheduled. The claimant/appellant did not appear for or participate in the appeal hearing. The claimant/appellant did not request a postponement of the hearing. The claimant/appellant did not appear before the record closed 15 minutes after the scheduled start of the hearing. The administrative law judge did not hold a hearing because the claimant/appellant did not appear.

The Iowa Workforce Development (IWD) February 22, 2024 (reference 03) decision denied benefits effective February 18, 2024, based on the IWD representative's conclusion the claimant failed to report as directed during the week of February 18, 2024 and therefore did not meet the availability requirement effective February 18, 2024.

On March 8, 2024, IWD entered a reference 04 decision that allowed benefits for the period beginning February 18, 2024, provided the claimant met all other eligibility requirements, based on an agency determination that the claimant had an acceptable reason for not appearing as directed on February 18, 2024. The administrative law judge notes that February 18, 2024 was a Sunday and that IWD offices are closed on Sunday. The effect of the reference 04 decision is to reverse the reference 03 disqualification decision.

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 87126.8(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."

Because the March 8, 2024 (reference 04) decision effectively reversed the February 22, 2024 (reference 03) decision from which the claimant appeals in the present matter, the claimant has received all remedy potentially available in connection with the appeal and is no longer aggrieved by the reference 03 decision. For that reason, the claimant's appeal from the reference 03 decision is dismissed.

DECISION:

The claimant's appeal from the February 22, 2024 (reference 03) decision is DISMISSED. The March 8, 2024 (reference 04) decision effectively reversed the February 22, 2024 (reference 03) decision. The claimant is not aggrieved by the reference 03 decision. The reference 04 decision remains in effect.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

March 25, 2024
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.