

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

XIAOCHUN HAN
Claimant

APPEAL NO. 21A-UI-18842-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 07/04/21
Claimant: Appellant (6)

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:

The claimant, Xiaochun Han, filed a timely appeal from the August 23, 2021, reference 01, decision that allowed benefits to the claimant effective July 4, 2021, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was able and available for work, but the employer was not providing the same employment as in the base period. A hearing was set October 18, 2021 and the parties were properly notified of the hearing. Both parties provided a telephone number for the hearing. In the course of preparing for the appeal hearing, the administrative law judge determined a hearing was unnecessary and that the appeal should be dismissed.

ISSUES:

Whether the claimant is aggrieved by August 23, 2021, reference 01, decision.
Whether the appeal was erroneously docketed as an employer appeal.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Xiaochun Han, filed a timely appeal from the August 23, 2021, reference 01, decision. The employer did not file an appeal from the decision. The decision was favorable to the claimant. The decision was adverse to the employer. The decision allowed benefits to the claimant effective July 4, 2021, provided the claimant was otherwise eligible. The decision held the employer's account could be charged for benefits. The deputy concluded the claimant, Ms. Han, was able and available for work, but that the employer was not providing the same employment as in the base period.

A hearing was set for 2:00 p.m. on October 18, 2021. The parties were properly notified of the hearing. Both parties provided a telephone number for the appeal hearing.

On the morning of October 18, 2021, the administrative law judge prepared for the hearing and observed the appeal was filed by the claimant, not the employer. On October 18, 2021, the administrative law judge contacted the employer to confirm the employer did not file an appeal.

The employer, through Human Resources Associate, confirmed the employer did not file an appeal.

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 claimant is not aggrieved by the August 23, 2021, reference 01, decision. The claimant is the appellant. The decision appealed from was favorable to the claimant and granted all available remedy. Accordingly, the claimant's appeal will be dismissed.

DECISION:

The August 23, 2021, reference 01, decision that allowed benefits to the claimant effective July 4, 2021, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the able and available determination, remains in effect. The hearing set for 2:00 p.m. on October 18, 2021 is cancelled.



James E. Timberland
Administrative Law Judge

October 22, 2021
Decision Dated and Mailed

jet/mn