

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

DARIN R FLUGGE

Claimant,

and

KERRY INC

Employer.

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HEARING NUMBER: 11B-UI-12893

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

DECISION

The employer submitted a letter to the Employment Appeal Board that was initially taken as an appeal. However, upon further review, it has been noted that the letter was taken as an appeal in error. This matter is dismissed without prejudice.

We also note the employer's concern regarding the administrative law judge's decision ending with "...Benefits are allowed." This clearly is a typographical error. The employer may contact the Iowa Workforce Development Center, Appeals Section, to request that the administrative law judge's issue a 'Nunc Pro Tunc' Order that would correct the error.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/kk