IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

EDWARD A SWAN
Claimant

APPEAL NO. 13A-UI-12678-VST

ADMINISTRATIVE LAW JUDGE DECISION

CLEARY BUILDING CORP
Employer

OC: 10/20/13
Claimant: Respondent (6)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

The Appeals Bureau set this case for hearing based on the assumption that the employer had filed an appeal of the representative's decision dated November 13, 2013, reference 01. At the hearing, the employer representative, John Schinderle, human resources manager, informed the administrative law judge that the employer did not file an appeal in this case and was not contesting the award of benefits to the claimant by the representative. In reviewing the file, it appears that a letter from the claimant protesting the fact-finding process may have been seen as a response to an employer appeal. The claimant, however, did not file an appeal because he was awarded benefits. Both parties agree that the appeal can be dismissed.

ISSUE:

Whether the appeal in this case should be dismissed.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The representative issued a decision dated November 13, 2013, reference 01, which held that the claimant was eligible for benefits. The employer did not appeal this decision. The appeals bureau mistakenly set up an appeal in this case. Neither party wishes to appeal the representative's decision.

REASONING AND CONCLUSIONS OF LAW:

No appeal has been filed in this case by either party. The appeal shall be dismissed.

DECISION:

Appeal Number 13A-UI-12678 is dismissed.   Neither party filed an appeal from the representative's decision. The decision of the representative dated September 9, 2013, reference 01, is reversed.   Unemployment insurance benefits are allowed if the claimant is otherwise eligible.

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Vicki L. Seeck
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs