

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

JESSICA K QUEEN
Claimant

APPEAL 22A-UI-14598-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALMART INC
Employer

OC: 04/17/22
Claimant: Respondent (6)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act

STATEMENT OF THE CASE:

An appeal was set up from a representative decision dated May 12, 2022 (reference 01) that found claimant was eligible for benefits. The appeal letter was for a different decision and this appeal was set up in error.

ISSUE:

Whether the appeal should be dismissed because it was set up in error.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

On May 12, 2022, Iowa Workforce Development (IWD) issued a decision (reference 01) that allowed benefits finding claimant was discharged on April 2, 2022 for no disqualifying reason. Employer did not appeal the decision.

On May 25, 2022, IWD issued a decision (reference 02) that allowed benefits finding claimant was discharged on April 2, 2022 for no disqualifying reason. Employer appealed the decision. An appeal hearing was scheduled for July 13, 2022. In preparation for the hearing, the administrative law judge discovered the May 12, 2022 (reference 01) decision that adjudicated the issue of separation. The administrative law judge set up an appeal of the May 12, 2022 (reference 01) decision and rescheduled the hearing for both appeals to be heard at the same time.

On July 13, 2022, employer withdrew its appeal of the May 25, 2022 (reference 02) decision. The withdrawal has been approved (see Appeal 22A-UI-13646-AW-T).

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.6(2) provides that a party to a representative's decision must appeal that decision with ten days of the mailing of the decision. No party to the representative's decision filed an appeal. The appeal was set up by the appeals bureau for administrative purposes

because this appeal and employer's appeal addressed the same separation. Employer withdrew its appeal. Therefore, this appeal should be dismissed.

DECISION:

The appeal in this matter is dismissed. The representative decision dated May 12, 2022 (reference 01) shall remain in full force and effect. The appeal is DISMISSED.

The hearing scheduled for August 2, 2022 is cancelled.

A handwritten signature in cursive script, appearing to read 'Adrienne C. Williamson', is written in black ink on a light-colored background.

Adrienne C. Williamson
Administrative Law Judge

September 15, 2022
Decision Dated and Mailed

mh

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
4th Floor – Lucas Building
Des Moines, Iowa 50319
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> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: 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 adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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.