

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

**TREMAYNE D JENNINGS
LYNNAE D HILLYER**
Claimant

ENERIC PETROLEUM CORP
Employer

**APPEAL 16A-UI-06646-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/15/16
Claimant: Respondent (6)**

Iowa Code §96.5(2)a – Discharge for Misconduct
Iowa Admin. Code r. 871-24.32(1)a – Discharge for Misconduct
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer, Eneric Petroleum Corp., filed an appeal from an unemployment insurance decision issued on June 7, 2016, reference 01, listing Tremayne Jennings as the claimant. Following an investigation, an unemployment insurance decision was issued on June 29, 2016, reference 02, listing Lynnae Hillyer as the claimant.

A telephone hearing was scheduled on June 30, 2016, at 11:00 a.m., for the appeal from the decision naming Tremayne Jennings as the claimant. Before the hearing, the appellant employer submitted a written withdrawal of this appeal. The hearing was canceled.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

These findings of fact are based on the documents in the agency file. Lynnae Hillyer was employed by Eneric Petroleum Corp. Her employment with this employer ended on May 13, 2016. Lynnae Hillyer participated in a fact-finding interview on June 6, 2016. The employer did not participate in the fact-finding interview. The employer did not protest Lynnae Hillyer's claim for unemployment benefits.

The Notice of Claim listed Lynnae Hillyer as the claimant. The Notice of Fact-Finding Interview listed Lynnae Hillyer as the claimant. Lynnae Hillyer participated in the fact-finding interview. Despite the fact that Lynnae Hillyer was named as the claimant in these notices and

participated in the fact-finding interview, an unemployment insurance decision was issued on June 7, 2016, reference 01, to Tremayne Jennings, listing him as the claimant, and finding him eligible for unemployment benefits.

The employer appealed the decision issued to Tremayne Jennings, stating that he was not an Eneric Petroleum Corp. employee, and stating its belief that the decision issued on June 7, 2016, reference 01, was a data error.

The Iowa Workforce Development staff noticed the apparent error and conducted a prompt investigation. The employer verified that Lynnae Hillyer was the former employee who was separated from her employment on May 13, 2016. The employer confirmed that it was not protesting Lynnae Hillyer's eligibility for unemployment benefits.

The Claims Bureau reviewed the pertinent information in its possession and additional information it acquired from the employer. The Claims Bureau then took appropriate action to correct its error, issuing a decision on June 29, 2016, reference 02, naming Lynnae Hillyer as the claimant, and finding her eligible for unemployment benefits in connection with her separation from her employment with Eneric Petroleum Corp.

The unemployment insurance decision issued on June 29, 2016, reference 02, naming Lynnae Hillyer as the claimant, was provided to the employer.

Soon after it received the decision naming the proper person, the appealing party withdrew its appeal. The withdrawal was submitted in writing via email on June 30, 2016, by the appellant employer's HR director.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the documents in the appeal file and the applicable law, the request of the appealing party, Eneric Petroleum Corp., to withdraw its appeal of the decision dated June 7, 2016, reference 01, should be approved.

The Iowa Workforce Development Claims Bureau may modify a decision based on facts it may have in its possession or may acquire. Iowa Admin. Code r. 871-24.19(3).

The decision dated June 7, 2016, reference 01, named the wrong person as the claimant and this employer's former employee. The evidence shows that Tremayne Jennings was never employed by Eneric Petroleum Corp. The evidence clearly shows that Lynnae Hillyer was employed by Eneric Petroleum Corp. The Iowa Workforce Development Claims Bureau reviewed the information in its possession and additional information it acquired, as authorized by the administrative rule cited above, and took appropriate subsequent action. The Claims Bureau issued an unemployment insurance decision on June 29, 2016, reference 02, that named the correct claimant and former employee, Lynnae Hillyer, as the person entitled to receive unemployment insurance benefits following her separation from employment with this employer. The appellant employer withdrew its appeal after it received the decision naming the correct claimant and former employee, Lynnae Hillyer. This appeal withdrawal is approved.

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated June 7, 2016, reference 01, is approved. The unemployment insurance decision dated June 29, 2016, reference 02, replaces and supercedes this decision. The unemployment insurance decision dated June 29, 2016, reference 02, shall remain in full force and effect.

The hearing scheduled on June 30, 2016, at 11:00 a.m. is canceled.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/pjs