

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEREMY L MCNEALY
Claimant

APPEAL 22A-UI-09550-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/07/20
Claimant: Appellant (6)**

Iowa Code § 96.6(2) – Timeliness of Appeal / Protest
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

On April 8, 2022, claimant Jeremy L. McNealy filed an appeal from several recent decisions he received from the Benefits Bureau of Iowa Workforce Development. This appeal was inadvertently set up along with the correct appeals. The appeal was set up in error, and it shall now be dismissed.

ISSUE:

Should the appeal be dismissed as set up in error?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. On October 23, 2020, Iowa Workforce Development (“IWD”) issued the reference 02 decision that found claimant was overpaid based on a failure to report wages. Claimant did not file an appeal at that time.

Subsequently, on April 6, 2022, IWD issued two decisions related to overpayments. The reference 03 decision found claimant was overpaid regular unemployment insurance benefits, and the reference 04 decision found claimant was overpaid Federal Pandemic Unemployment Compensation benefits.

Claimant appealed those decisions on April 8, 2022. When setting these matters up for hearing, a member of the intake team inadvertently also set up the reference 02 decision. The reference 02 decision is unrelated to the reference 03 and reference 04 decisions, and it is unrelated to the underlying reference 01 matter that was also set up for hearing. The reference 02 appeal was set up in error and will now be dismissed.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.19(3) provides:

Determination and review of benefit rights.

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the benefits bureau may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final, and benefits shall be paid or denied in accordance therewith.

Iowa Admin. Code r. 871-26.8(1) provides

Withdrawals, dismissals, and postponements.

An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

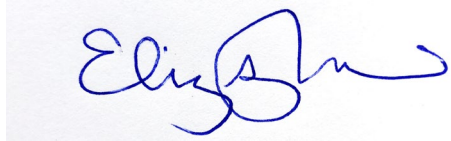
An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The appeal of the October 23, 2020 (reference 02) decision, which was set up in error, will now be dismissed.

NOTE TO CLAIMANT: You will receive a hearing notice in the mail related to your appeal of the overpayment decisions issued on April 6, 2022. You must follow the instructions on the hearing notice in order to participate in that hearing.

DECISION:

The appeal is now dismissed as it was set up in error.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

May 18, 2022
Decision Dated and Mailed

lj/lj