

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MONICA E MILLER
Claimant

APPEAL NO. 100-UI-02102-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EVANGELICAL FREE CHURCH HOME
Employer

**Original Claim: 09/20/09
Claimant: Appellant (6)**

Section 96.6-3 – Dismissal of Appeal

STATEMENT OF THE CASE:

On January 28, 2010, the Employment Appeal Board issued a remand order in hearing number 10B-UI-15970 involving the above-named parties. By mistake, this administrative law judge docketed this appeal, believing that the remand order was for further proceedings by the Appeals Bureau. After further review, the administrative law judge concludes that the appeal was docketed in error.

ISSUE:

Did the Employment Appeal Board address its remand order in 10B-UI-15970 to the Unemployment Insurance Appeals Bureau?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: In its order dated January 28, 2010, the Employment Appeal Board stated:

The Employment Appeal Board **REMANDS** this matter to the Iowa Workforce Development Center Claims Section for a determination of the issue of whether or not the Claimant is able and available for work for any week in which she claimed for benefits following November 23, 2009...

The Employment Appeal Board also reversed the administrative law judge's decision in 10A-UI-15970-VST on other issues, but did not require any further action by the Unemployment Insurance Appeals Bureau.

On March 25, 2010, a fact-finding decision on the issue remanded by the Employment Appeal Board was issued. That appeal has been docketed as 10A-UI-04773.

REASONING AND CONCLUSIONS OF LAW:

The question is whether appeal 100-UI-02102-AT should be dismissed. The administrative law judge concludes that it should be dismissed because it was improvidently docketed. The

Employment Appeal Board's remand order was to the Claims Section, which has not issued a fact-finding decision. The substantive issue will be addressed in the hearing of 10A-UI-04773.

DECISION:

Appeal 10O-UI-02102-AT should be and is hereby dismissed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw