

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CESAR D GUILLEN
Claimant

APPEAL 21A-DUA-01797-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/30/20
Claimant: Appellant (6)**

PL 116-136 Sec 2102 – Pandemic Unemployment Assistance
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Determination and review of benefit rights
Iowa Admin. Code r. 871-26.8(1) - Withdrawals, dismissals and postponements

STATEMENT OF THE CASE:

On August 26, 2021, employer Packers Sanitation Services filed an appeal from the August 17, 2021 unemployment insurance decision that allowed claimant Cesar D. Guillen to receive benefits after a separation from employment. During the intake process, the Appeals Bureau accidentally set up an additional appeal for the claimant, which prompted this incorrect appeal number (21A-DUA-01797) to be entered. This appeal is unnecessary.

A new appeal case number using the correct appeal number has been set up for the two-party hearing and a hearing will be scheduled. A hearing notice will be mailed to the claimant notifying them of the date and time set for hearing. The claimant will need to register a telephone number to participate in the hearing.

ISSUE:

Should the appeal with this incorrect case number in this matter be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer filed an appeal to the unemployment insurance benefits decision that allowed claimant to receive benefits. A mistake was made when entering the appeal into the system, which prompted this incorrect appeal number (21A-DUA-01797) to be entered.

A correct appeal case number (21A-18991) has been set up and the claimant will receive a hearing notice with the date and time of the hearing. The claimant must register a telephone number to be contacted at for the hearing by following the instructions on the hearing notice.

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 employer filed an appeal to the August 17, 2021 unemployment insurance decision that allowed benefits. During the intake process, an incorrect appeal number was created. A new, correct appeal number has been entered (21A-UI-18991), and a hearing will be held to address the claimant's eligibility for regular unemployment insurance benefits. As such, the appeal with the incorrect case number should be dismissed.

DECISION:

The appeal in this case is dismissed as the incorrect case number was used.

The employer's appeal from the unemployment insurance benefits decision allowing benefits shall be addressed in the case using the correct appeal number, which is 21A-UI-18991. A notice of hearing will be mailed to the claimant with instructions on how to register for the hearing.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

September 30, 2021
Decision Dated and Mailed

lj/ol