

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ISMAIL I HAMID
Claimant

APPEAL 21A-DUA-00065-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/26/20
Claimant: Appellant (6)**

Iowa Code § 96.6(2) – Timeliness of Appeal
PL 116-136 – Federal Pandemic Emergency Unemployment Compensation
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On November 29, 2020, Ismail I. Hamid (claimant/appellant) filed an appeal from the decision dated September 16, 2020, that determined he was not eligible for federal Pandemic Unemployment Assistance (PUA). Due notice was issued and a hearing was held on February 3, 2020. The Appeals Bureau issued a decision affirming the decision in Appeal 20A-DUA-00414-S1-T. .

ISSUE:

Should the appeal in this matter be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been previously adjudicated by the Appeals Bureau in a decision dated December 14, 2020. That decision affirmed the decision dated September 16, 2020, which determined claimant was not eligible for federal PUA. See Appeals Bureau decision 20A-DUA-00414-S1-T. Claimant did not appeal the decision and it became final. This appeal was set up in error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal.

871IAC 24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with

the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

In this matter, the evidence has established that the claim was previously adjudicated by decision of December 14, 2020. Claimant did not appeal that decision. The Bureau is without authority to re-decide this matter, as a decision was issued on the merits and claimant was determined to not be eligible for PUA benefits. The issue cannot be adjudicated a second time. The appeal was set up in error and should be dismissed.

DECISION:

The appeal of the unemployment insurance decision dated September 16, 2020, reference 02, is dismissed as the appeal was set up in error. See 20A-DUA-00414-S1-T.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515)478-3528

February 19, 2021
Decision Dated and Mailed

sa/ol