

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 15IWDUI228
OC: 05/17/15
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DEBRA SMITH
4621 NEWELL ST.
WATERLOO, IA 50703

IOWA WORKFORCE DEVELOPMENT
REEMPLOYMENT SERVS. COORD.
RONEE SLAGLE & VELMA SALLIS

Joni Benson, IWD
Nicholas Olivencia, IWD
Emily Chafa, UI Appeals Manager

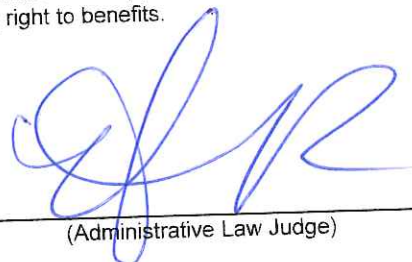
This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.



(Administrative Law Judge)

July 31, 2015

(Dated and Mailed)

Dismissal of Appeal – 481 Iowa Administrative Code 10.24

STATEMENT OF THE CASE

Claimant/Appellant Debra Smith appealed a decision issued by Respondent Iowa Workforce Development dated July 2, 2015, reference 01, finding Smith was not eligible to receive unemployment insurance benefits effective June 28, 2015 because she was mailed a notice to report for a reemployment and eligibility assessment on July 1, 2015 and she failed to report.

Iowa Workforce Development transmitted the administrative file to the Department of Inspections and Appeals to schedule a contested case hearing on July 20, 2015. A contested case hearing is scheduled for August 7, 2015. On July 31, 2015, I received an e-mail with attachments requesting the appeal be dismissed because all benefits have been paid. Because the e-mail was sent ex parte, and given it is unclear if the Department provided a copy of all of the documents to Appellant, I am attaching a copy. Because no issues remain for resolution in this administrative appeal, the appeal is dismissed.¹

DECISION

This appeal is dismissed because no issues remain to be resolved.

hlp

Enclosures

¹ 481 IAC 10.24(1).

Palmer, Heather [DIA]

From: Van Gundy, Meggan [DIA]
Sent: Friday, July 31, 2015 10:04 AM
To: Palmer, Heather [DIA]
Subject: FW: Emailing: SMITH.pdf Debra Smith SS#0621
Attachments: D Smith [0621].pdf

-----Original Message-----

From: Baier, Mila [IWD]
Sent: Friday, July 31, 2015 10:02 AM
To: Van Gundy, Meggan [DIA]
Subject: FW: Emailing: SMITH.pdf Debra Smith SS#0621

An appeal dismissal withdraw is being requested by Velma Sallis for Debra Smith (0621).

Per DBRO and NMRO all eligible weeks have been paid. Lock and unlock dates are the same.

DBRO: Claim is in clear status and all weeks are current
NMRO: REA Lock 076/01 Date: 062815 REA Unlock 178/02 Date: 062815

Please let me know if other documentation is needed.

Thank you.

Mila Baier
Workforce Advisor
600 South Pierce Avenue
Mason City, IA 50401
641 422-1524 Ext. 44525
Fax: 641 422-1543
email: mila.baier@iwd.iowa.gov
Relay 711

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received this transmission in error, please return the material received to the sender and delete all copies from your system.

A bad attitude is like a flat tire....You won't go far until you change it !

-----Original Message-----

From: Baier, Mila [IWD]
Sent: Friday, July 31, 2015 9:55 AM
To: Van Gundy, Meggan [DIA]
Cc: Sallis, Velma [IWD]
Subject: FW: Emailing: SMITH.pdf Debra Smith SS#0621

Hi Meggan: Do you know if this appeal is still on the schedule? We requested a dismissal/withdrawal and the advisor hasn't heard that it's been withdrawn.
15IWDUI228 - Scheduled for August 7, 2015 at 3:00p.m.

Thanks.

Mila Baier
Workforce Advisor
600 South Pierce Avenue
Mason City, IA 50401
641 422-1524 Ext. 44525
Fax: 641 422-1543
email: mila.baier@iwd.iowa.gov
Relay 711
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A bad attitude is like a flat tire....You won't go far until you change it !

-----Original Message-----

From: Baier, Mila [IWD]
Sent: Thursday, July 23, 2015 10:29 AM
To: Sallis, Velma [IWD]; Benson, Joni [IWD]
Cc: Slagle, Ronee [IWD]
Subject: RE: Emailing: SMITH.pdf Debra Smith SS#0621

An appeal dismissal withdraw is being requested by Velma Sallis for Debra Smith (0621).

Per DBRO and NMRO all eligible weeks have been paid. Lock and unlock dates are the same.

DBRO: Claim is in clear status and all weeks are current

NMRO: REA Lock 076/01 Date: 062815 REA Unlock 178/02 Date: 062815

Please let me know if other documentation is needed.

Thank you.

Mila Baier
Workforce Advisor
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Mason City, IA 50401
641 422-1525
Fax: 641 422-1543
email: mila.baier@iwd.iowa.gov
Relay 711

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A bad attitude is like a flat tire....You won't go far until you change it !

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-----Original Message-----

From: Sallis, Velma [IWD]
Sent: Thursday, July 23, 2015 8:34 AM
To: Benson, Joni [IWD]; Baier, Mila [IWD]
Cc: Slagle, Ronee [IWD]; Sallis, Velma [IWD]
Subject: RE: Emailing: SMITH.pdf Debra Smith SS#0621

Morning,

IWD would like to request cancellation of this appeal hearing for the following explanation below.

Met with Debra S. Smith for rescheduled REA appointment on 07/21/15. Checked copy of REA letter. REA letter advising customer had REA appointment on 07/01/15 at 10:15 a.m. was mailed to incorrect address. Address on letter was 3917 Hazelwood Lane, Waterloo, IA 50703. Customer did not receive this letter. Advised customer would unlock claim effective 6/28/15.

DEC 178 has been issued and all weeks have been paid current.

Velma

-----Original Message-----

From: Benson, Joni [IWD]

Sent: Friday, July 17, 2015 10:49 AM

To: Sallis, Velma [IWD]

Cc: Slagle, Ronee [IWD]

Subject: Emailing: SMITH.pdf

Mailed to CL 7/17/15.

Sup Docs

Your message is ready to be sent with the following file or link attachments:

SMITH.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

%LONGDATE %TIME

DBRO/468980621OFC 07-03-1530-19-01307/23/15PAGE 1

CHECK DIGIT 6

SMITH, DEBRA, S
4621 NEWELL ST

WATERLOO
IA 50703-0000

PHONE -FACTFIND
PHONE (319) 596-5225
IMED RELEASE NO

ABP NO

0 DEPENDENTS TYP 0
PLANT NOT CLOSED
FEMALE INA
D.O.B. 07/18/67
RPT-MODE VRU-D
PENSION NO
MONTH 00
TYPE 0 AMT .00
CHOICE 0
GROUP CODE 6
INDUSTRY 5222
D.O.T. 00000
AVE WAGE 931.95
75 % = 698.96
P/+1

PROG UI
STATUS CLEAR-UI
LOCK RSN NONE
REGULAR
QUALIFIED
CONTROL 05/29/15

EFF DTE 05/17/15
BYE DTE 05/15/16
ADD DTE
REO DTE
EB DTE

EB-SW NO REGULAR---UI REGULAR---FE
INCTAX FE/IA WBA 416.00 WBA .00
CHILD REC NO MBA 10816.00 MBA .00
ERP INTERV 05 APD 3744.00 APD .00
HANDICAP NO BAL 7072.00 BAL .00
CITIZEN YES
WAITING WK N/A EUC-----UI EUC-----FE
TRADE NO MBA MBA
IB-1 NO APD APD
PARTIAL NO BAL BAL
CWC NO EUC LE SEP
OMIT WAGES NO EUC LST WORK
LAG QTR 1/15 EUC STOP DTE
DURATION 26.0 EUC TRIM/OFF

DBRO/468980621

OFC 07-03-1530-19-013 07/23/15

PAGE 2

CHECK-DIGIT= 6

PAYMENT-RECORDS..

***** UI ***** FE *****

BWE-DATE	RPT-CODE	AMT-RP	ISSUE-DT	P	PAY-CODE	AMOUNT	PAY-CODE	AMOUNT	PGM	TR
05/23/15	CLEAR	.00	05/29/15	4	PAID-D	416.00		.00	01	
05/30/15	CLEAR	.00	06/01/15	2	PAID-D	416.00		.00	01	
06/06/15	CLEAR	.00	06/08/15	2	PAID-D	416.00		.00	01	
06/13/15	CLEAR	.00	06/15/15	2	PAID-D	416.00		.00	01	
06/20/15	CLEAR	.00	06/22/15	2	PAID-D	416.00		.00	01	
06/27/15	CLEAR	.00	06/29/15	2	PAID-D	416.00		.00	01	
07/04/15	CLEAR	.00	07/21/15	2	PAID-D	416.00		.00	01	
07/11/15	CLEAR	.00	07/21/15	2	PAID-D	416.00		.00	01	
07/18/15	CLEAR	.00	07/21/15	2	PAID-D	416.00		.00	01	

WAGE RECORDS **CLAIM EFFECTIVE DATE- 05/17/15 **

ACCT	LOC	Q/Y	TYPE	EARNINGS	CREDIT	AMT-CHGD	R/C	DET-DATE
267897	000	4/14	REGULAR	1960.96	653.65	653.65	C	05/18/15
267897	000	3/14	REGULAR	9519.24	3173.08	3090.35	C	05/18/15
267897	000	2/14	REGULAR	12115.39	4038.46	.00	C	05/18/15
267897	000	1/14	REGULAR	12014.91	4004.97	.00	C	05/18/15

** COMMENTS **

ORGNL 05/17/15 5123143400

P/1

%LONGDATE %TIME

NMRO/468980621
DATE 07/23/15 NON - MONETARY DISPLAY
SMITH DEBRA S
PGM = UI EB 0 LO 031530
STATUS CLEAR-UI RSN NONE CONTROL 05/29/15 ADD
EFF-DATE = 05/17/15 REFERENCE-NO = 01
ISSUE..... DETECTED = 07/01/15

ANDS..... FAILED TO REPORT AS DIRECTED REA
DISP-DATE = 07/01/15 ANDS-NO = 076 DEPUTY = GE A/D = D
V1 = 070115 V2 = 062815 V3 = V4 =
V5 = EMPLR = 999999 999 NAME = NO EMPL-NAME AVAILABLE
LOWER..... APP= CLAIMANT APPEALED = 07/13/15 NUM = 15A UI 07982 ALJ-
TYPE= INTRA DISP-DTE = 00/00/00 LAW =

REA-LOCK

%LONGDATE %TIME

NMRO/468980621
DATE 07/23/15 NON - MONETARY DISPLAY
SMITH DEBRA S
PGM = UI EB 0 LO 031530
STATUS CLEAR-UI RSN NONE CONTROL 05/29/15 ADD
EFF-DATE = 05/17/15 REFERENCE-NO = 02

ANDS..... FAILED TO REPORT AS DIRECTED REA
DISP-DATE = 07/21/15 ANDS-NO = 178 DEPUTY = GE A/D = A
V1 = 062815 V2 = V3 = V4 =
V5 = EMPLR = 999999 999 NAME = NO EMPL-NAME AVAILABLE

REA-Unlock

UNEMPLOYMENT INSURANCE DECISION

Any correspondence must include claimant name,
social security number and original claim date.

65-5323 (11-07) ANDS Decision -- 3090199 8162

Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209

SOCIAL SECURITY NO. 468-98-0621
ORIGINAL CLAIM DATE 05/17/15 REF=01
FILE NUMBER GE 076 D 0
DECISION DATE 07/02/15
CLAIMS OFFICE 031530
EMPLOYER ACCOUNT NO. 999999-999
NOTIFICATION DATE IF OTHER THAN DECISION DATE

SMITH DEBRA S
4621 NEWELL ST
WATERLOO IA 50703

IF THIS DECISION DENIES BENEFITS AND IS NOT REVERSED ON APPEAL, IT
MAY RESULT IN AN OVERPAYMENT WHICH YOU WILL BE REQUIRED TO REPAY.

DECISION:
YOU ARE NOT ELIGIBLE TO RECEIVE UNEMPLOYMENT INSURANCE BENEFITS.

EXPLANATION OF DECISION:
OUR RECORDS INDICATE YOU WERE MAILED A NOTICE TO REPORT FOR A
REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ON 07/01/15 . SINCE YOU DID
NOT REPORT, YOU DO NOT MEET THE AVAILABILITY REQUIREMENTS OF THE
LAW. BENEFITS ARE DENIED AS OF 06/28/15 AND CONTINUING UNTIL YOU
REPORT FOR THIS ASSESSMENT.

LEGAL REFERENCE:
THIS DISQUALIFICATION WAS MADE UNDER IOWA ADMINISTRATIVE CODE
SECTION 871-24.2(1)E. A COPY IS AVAILABLE AT ANY WORKFORCE
DEVELOPMENT CENTER.

TO APPEAL THIS DECISION:
THIS DECISION BECOMES FINAL UNLESS AN APPEAL IS POSTMARKED BY
07/12/15, OR RECEIVED BY IOWA WORKFORCE DEVELOPMENT APPEAL SECTION
BY THAT DATE. IF THIS DATE FALLS ON A SATURDAY, SUNDAY, OR LEGAL
HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT WORKING DAY.

QUESTIONS:
IF YOU HAVE QUESTIONS PLEASE CALL CUSTOMER SERVICE AT
866-239-0843.

APPEAL
INFORMATION
INSIDE

UNEMPLOYMENT INSURANCE DECISION

Any correspondence must include claimant name,
social security number and original claim date.

65-5323 (11-07) ANDS Decision -- 3090199 8162

Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209

SOCIAL SECURITY NO..... 468-98-0621
ORIGINAL CLAIM DATE..... 05/17/15 REF=02
FILE NUMBER..... GE 178 A 0
DECISION DATE..... 07/22/15
CLAIMS OFFICE..... 031530
EMPLOYER ACCOUNT NO..... 999999-999
NOTIFICATION DATE IF OTHER THAN DECISION DATE

SMITH DEBRA S
4621 NEWELL ST
WATERLOO IA 50703

YOU ARE ELIGIBLE TO RECEIVE UNEMPLOYMENT INSURANCE BENEFITS
BEGINNING 06/28/15 AS LONG AS YOU MEET ALL THE OTHER ELIGIBILITY
REQUIREMENTS.

EXPLANATION OF DECISION:

OUR RECORDS INDICATE YOU WERE DISQUALIFIED FROM RECEIVING BENEFITS
WHEN YOU DID NOT REPORT FOR A REEMPLOYMENT AND ELIGIBILITY
ASSESSMENT. SINCE THEN YOU HAVE PARTICIPATED IN THIS ASSESSMENT.

LEGAL REFERENCE:

THIS ALLOWANCE WAS MADE UNDER LAW SECTION 96.4-3. A COPY IS
AVAILABLE AT ANY WORKFORCE DEVELOPMENT CENTER.

TO APPEAL THIS DECISION:

THIS DECISION BECOMES FINAL UNLESS AN APPEAL IS POSTMARKED BY
08/01/15, OR RECEIVED BY IOWA WORKFORCE DEVELOPMENT APPEAL SECTION
BY THAT DATE. IF THIS DATE FALLS ON A SATURDAY, SUNDAY, OR LEGAL
HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT WORKING DAY.

QUESTIONS:

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866-239-0843.

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