

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUE L VANDE STOUWE
Claimant

APPEAL NO. 11A-UI-13690-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MAYFLOWER HOME INC
Employer

OC: 09/25/11
Claimant: Respondent (5)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
Iowa Code Section 96.6 – Aggrieved Party Required

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 12, 2011, reference 01, decision that allowed benefits. A hearing was set for November 8, 2011 and the parties were duly notified by notice mailed on October 20, 2011. Upon review of the administrative file, the administrative law judge concludes that a hearing is not necessary or appropriate because the decision from which the employer has appealed has been nullified.

ISSUE:

Whether the employer is yet an aggrieved party in connection with the October 12, 2011, reference 01, decision that allowed benefits to the claimant.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On October 12, 2011, a Workforce Development representative entered a reference 01 decision that allowed benefits to claimant Sue Vande Stouwe in connection with her September 19, 2011 discharge from Mayflower Home, Inc. The employer's appeal from that decision is the matter for the administrative law judge, set for hearing on November 8, 2011. On October 25, 2011, a Workforce Development representative entered a decision that the October 12, 2011, reference 01 decision was entered in error and was now declared null and void. On October 26, 2011, a Workforce Development representative entered a reference 02 decision that amended the reference 01 decision. The reference 02 decision disqualified claimant for unemployment insurance benefits in connection with the September 19, 2011 discharge from Mayflower Home, Inc.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party. The employer is no longer an aggrieved party in connection with the representative's October 12, 2011, reference 01, decision that allowed benefits. That decision has been deemed nullified and void. The October 26, 2011, reference 02 decision

amended the October 12, 2011, reference 01. The more recent decision reversed the earlier decision and disqualified Ms. Vande Stouwe for unemployment insurance benefits in connection with the September 19, 2011 separation. With the nullification of the initial decision and entry of the decision that denied benefits and relieved the employer of liability for benefits, the employer has received all remedy available under the law.

DECISION:

The Agency representative's October 12, 2011, reference 01, that allowed benefits to the claimant is null and void. The employer's appeal in this matter is hereby dismissed. The hearing set for November 8, 2011 to address the employer's appeal is cancelled.

If the claimant desires to appeal from the October 26, 2011, reference 02, decision that denied benefits, the claimant will need to file a timely appeal from that decision, as indicated on that decision.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs