

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ARMANDO M PEREZ
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 18A-UI-05240-ECT

**CORRECTED
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/20/16
Claimant: Appellant (6)**

Iowa Admin. Code r. 871-26.4(2) – Basis for Appeal
Iowa Admin. Code r. 871-26.15 - Evidence
Iowa Admin. Code r. 871-26.17 – Decisions
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

This matter was erroneously set up as an appeal from an unemployment insurance decision, dated April 11, 2016, reference 01. This appeal was set up in error. No appeal was filed relating to the decision issued on April 11, 2016, reference 01, which allowed benefits to this claimant during a prior claim year. An agency representative brought this error to light after receiving and reading the Administrative Law Judge Decision and noticing the reference to a prior claim year.

The employer filed an appeal from an unemployment insurance decision dated May 1, 2018, reference 01. A hearing was scheduled and held on May 24, 2018 before an administrative law judge where the evidence clearly related to the decision issued May 1, 2018, reference 01.

ISSUE:

Was this matter erroneously set up as an appeal from an initial decision issued April 11, 2016?

Should this appeal be dismissed?

FINDINGS OF FACT:

The evidence available in the administrative file clearly shows that the employer, Advance Services Inc., filed an appeal from an unemployment insurance decision dated May 1, 2018, reference 01. An appeal hearing was held on May 24, 2018, when the parties presented evidence relating to the decision issued on May 1, 2018, reference 01, which allowed benefits. Following that hearing, the administrative law judge issued a decision on the merits of the appeal from the initial decision issued on May 1, 2018, reference 01. After the error came to light, the administrative law judge issued the same decision on the merits of the hearing she conducted, but with a corrected appeal number, Appeal No. 18A-UI-05995, to properly reflect the decision on appeal and the current claim year.

As previously stated, this matter was erroneously set up as an appeal from an initial decision issued on April 11, 2016, reference 01. That initial decision became final on April 21, 2016. This decision is intended to correct this error and properly close Appeal No. 18A-UI-05240.

REASONING AND CONCLUSIONS OF LAW:

An appeal from an unemployment insurance decision should include the grounds upon which it is based. Iowa Admin. Code r. 871-26.4(2). No grounds were included to indicate an appeal from a decision dated April 11, 2016, reference 01. The employer's appeal clearly showed that it was appealing the initial decision dated May 1, 2018, reference 01. The appeal was set up in error.

DECISION:

This matter was erroneously set up as an appeal from the unemployment insurance decision dated April 11, 2016, reference 01. This appeal, No. 18A-UI-05420, is dismissed. The initial decision dated April 11, 2016, reference 01, remains in effect.

The administrative law judge decision issued on May 31, 2018, in Appeal No. 18A-UI-05995, replaces and supersedes the administrative law judge decision issued in Appeal No. 18A-UI-05240 on May 25, 2018.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/scn