

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE A ESTRADA
Claimant

APPEAL NO. 13A-UI-00763-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PACKERS SANITATION SERVICES INC
Employer

**OC: 11/25/12
Claimant: Appellant (6)**

Iowa Code Section 96.4(3) – Same Hours and Wages

STATEMENT OF THE CASE:

Jose Estrada filed an appeal from the January 9, 2013, reference 01, decision that denied benefits effective November 25, 2012 based on an agency conclusion that he was not partially unemployed. A hearing was scheduled for February 20, 2013. Prior to the hearing being held, the Claims Division advised the Appeals Section in writing that the claimant had cancelled his Iowa claim and intended to file a claim in Texas.

FINDINGS OF FACT:

Mr. Estrada is the appellant in this matter. Mr. Estrada's Iowa claim for unemployment insurance benefits has been cancelled at Mr. Estrada's request. Iowa Workforce Development administrative records confirm that the claim that was effective November 25, 2012 has been cancelled. The cancellation of the claim renders further action on the appeal unnecessary.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presupposes and requires the existence of an aggrieved party.

Iowa Administrative Code section 871 IAC 24.2(4)(c)(2) provides circumstances under which a claimant can cancel an Iowa claim in order to file a claim in another state. That appears to be the basis for the cancelled claim in this case.

Based on the cancelled claim, the claimant is no longer an aggrieved party and further action on the appeal is unnecessary. Accordingly, the administrative law judge hereby dismisses the claimant's appeal.

DECISION:

The claimant's appeal from the January 9, 2013, reference 01, decision is dismissed. The underlying claim for benefits has been cancelled and no further action on the appeal is necessary.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css