

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA PIZALI
Claimant

APPEAL 21A-UI-13923-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MOINES IND COMMUNITY SCH DIST
Employer

OC: 03/15/20
Claimant: Appellant (6)

Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.7(2)A(2) – Employer Contributions and Reimbursements
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Determination and review of benefit rights
Iowa Admin. Code r. 871-26.8(1) - Withdrawals, dismissals and postponements

STATEMENT OF THE CASE:

On June 11, 2021, Patricia Pizali (claimant) filed an appeal from six unemployment insurance decisions involving her employment with the Des Moines Independent Community School District. In the course of setting up those six appeals for hearing, the Appeals Bureau's intake team mistakenly set up for hearing the unemployment insurance decision dated June 1, 2021 (reference 04) that allows benefits. This decision is not adverse to claimant. Therefore, this appeal was set up in error and should be dismissed.

ISSUE:

Should the appeal of the favorable decision in this matter be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an appeal to six unemployment insurance decisions involving her employment with the Des Moines Independent Community School District. In the course of setting up those six appeals for hearing, the Appeals Bureau's intake team mistakenly set up for hearing the unemployment insurance decision dated June 1, 2021 (reference 04) that allows benefits. This decision is not adverse to claimant. Therefore, this appeal was set up in error and should be dismissed.

The Appeals Bureau's intake team has properly set up for hearing the six unemployment insurance decisions adverse to claimant. Both claimant and employer will receive hearing notices in the mail once those hearings have been scheduled. Claimant and employer must both follow the instructions on the hearing notices in order to participate in the appeal hearings.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.19(3) provides:

Determination and review of benefit rights.

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the benefits bureau may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final, and benefits shall be paid or denied in accordance therewith.

Iowa Admin. Code r. 871-26.8(1) provides

Withdrawals, dismissals, and postponements.

An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

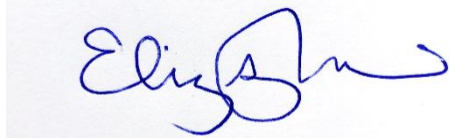
An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The claimant filed an appeal to six unemployment insurance decisions involving her employment with the Des Moines Independent Community School District. The Appeals Bureau's intake team mistakenly set up for hearing the unemployment insurance decision dated June 1, 2021 (reference 04) that allows benefits. This decision is not adverse to claimant. As such, the appeal of the decision dated June 1, 2021 (reference 04) should be dismissed.

DECISION:

The unemployment insurance decision dated June 1, 2021 (reference 04) is in claimant's favor and not adverse to claimant. The appeal in this case is dismissed.

The claimant's appeal from the six unemployment insurance benefits decisions denying benefits shall be addressed in a hearing to be scheduled. A notice of hearing will be mailed to the claimant and employer with instructions on how to register for the hearing.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

July 16, 2021
Decision Dated and Mailed

lj/scn