

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANNON HAYES

Claimant

DOLGENCORP LLC

Employer

APPEAL 22A-UI-01265-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/24/21

Claimant: Appellant (6)

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 December 13, 2021, Dolgencorp, L.L.C., (employer) filed an appeal from the December 2, 2021 unemployment insurance decision that found the claimant quit her part-time employment, determined she was eligible for benefits, and found the employer was not to be charged. This appeal was set up in error, as the decision is in the employer/appellant's favor.

ISSUE:

Should the appeal that was set up in error be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer filed an appeal to the unemployment insurance benefits decision that allowed benefits and did not charge the employer for any benefits paid to the claimant. This decision is not adverse to the employer. Therefore, the appeal did not need to be set up; it was set up in error. The appeal will be dismissed.

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.

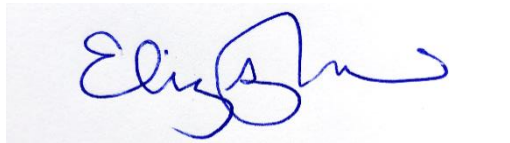
An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 employer filed an appeal to the December 2, 2021 unemployment insurance decision that found the claimant eligible for benefits and did not charge the employer. Because the decision is in the employer's favor, there is no issue for the employer to appeal. As such, the appeal should be dismissed as it was set up in error.

DECISION:

The appeal in this case is dismissed as it was set up in error.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 22, 2022
Decision Dated and Mailed

lj/lj