

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TARA D PERKEY
Claimant

COGNIZANT TECHNOLOGY SOLUTIONS
Employer

APPEAL NO. 21A-UI-12820-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/07/21
Claimant: Appellant (6R)

Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Administrative Code Rule 871-26.8(1) – Dismissal of Appeal, No Aggrieved Party
Iowa Administrative Code Rule 871-24.2(4)(d)(7)(f) – Voided Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 19, 2021, reference 01 (o.c. 3/7/21), decision that denied benefits effective March 7, 2021, based on an Agency determination that the claimant was not partially unemployed. A hearing was set for August 2, 2021, and the parties were duly notified. The claimant appeared at the time of the hearing. The employer did not provide a telephone number for the hearing and did not appear. Upon review of the Agency's administrative records, the administrative law judge determined that a hearing in this matter was not appropriate or necessary and that a decision granted the claimant's requested remedy could be entered based solely on the Agency's administrative records.

ISSUE:

Whether the claimant continues to be aggrieved by the May 19, 2021, reference 01 (o.c. 3/7/21) decision.

Whether Iowa Workforce Development voided the March 7, 2021 claim upon with the May 19, 2021, reference 01 (o.c. 3/7/21) decision is based.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Iowa Workforce Development determined that the claimant did not file a claim for unemployment insurance benefits that was effective March 7, 2021. See KLOG. The Agency determined instead that the claimant was the victim of ID theft. See KLOG. The Agency voided the March 7, 2021 claim. See KLOG and DBIN. The May 19, 2021, reference 01 (o.c. 3/7/21) decision from which the claimant appeals in this present matter is based on the voided March 7, 2021 claim and was, therefore, effectively voided when the underlying claim was voided.

The Agency has established an new original claim for the claimant with an April 11, 2021 effective date. The Agency entered a work search warning decision in connection with the April 11, 2021, but has otherwise entered no decision regarding the claimant's ability to work or her availability for work in connection with the April 11, 2021 original claim.

The parties have a fact-finding interview set for 8:30 a.m. on August 17, 2021 that will address the claimant's separation from the employment.

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.

Iowa Administrative Code rule 871-26.8(1) provides as follows: "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."

Because the May 19, 2021, reference 01 (o.c. 3/7/21) decision from which the claimant appeals in this present matter is based on the voided March 7, 2021 claim, May 19, 2021, reference 01 (o.c. 3/7/21) decision was rendered void when the underlying claim was voided. Accordingly, the claimant is no longer aggrieved by May 19, 2021, reference 01 (o.c. 3/7/21) decision.

This matter will be remanded to the Benefits Bureau for deletion of the May 19, 2021, reference 01 (o.c. 3/7/21) decision.

This matter will be remanded to the Benefits Bureau for determination, if necessary and appropriate, of whether the claimant has been able to work and available for work since April 11, 2021, in connection with the April 11, 2021 original claim.

DECISION:

Because the May 19, 2021, reference 01 (o.c. 3/7/21) decision from which the claimant appeals in this present matter is based on the voided March 7, 2021 original claim, May 19, 2021, reference 01 (o.c. 3/7/21) decision was rendered void when the underlying claim was voided. Accordingly, the claimant is no longer aggrieved by May 19, 2021, reference 01 (o.c. 3/7/21) decision. For that reason only, the claimant's appeal from May 19, 2021, reference 01 (o.c. 3/7/21) decision is dismissed.

This matter is **remanded** to the Benefits Bureau for deletion of the May 19, 2021, reference 01 (o.c. 3/7/21) decision.

This matter **remanded** to the Benefits Bureau for determination, if necessary and appropriate, of whether the claimant has been able to work and available for work since April 11, 2021, in connection with the April 11, 2021 original claim.



James E. Timberland
Administrative Law Judge

August 6, 2021
Decision Dated and Mailed

jet/mh