BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

ITZAMARA SMATA

HEARING NUMBER: 09B-UI-06355

Claimant,

.

and

EMPLOYMENT APPEAL BOARD

DECISION

ACTION WAREHOUSE CO LTD

Employer.

NOTICE

THIS DECISION BECOMES FINAL unless (1) a request for a REHEARING is filed with the Employment Appeal Board within 20 days of the date of the Board's decision or, (2) a PETITION TO DISTRICT COURT IS FILED WITHIN 30 days of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.6-2

DECISION

The claimant appealed this case to the Employment Appeal Board. The parties were notified that timeliness of the appeal was at issue. The members of the Employment Appeal Board reviewed the entire record.

FINDINGS OF FACT:

The administrative law judge issued a decision in this matter May 26, 2009. The decision was favorable to the claimant. On June 3, 2009, the claimant appealed the decision of the administrative law judge to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

Pursuant to 486 IAC 3.1(2), "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the employment appeal board " The Employment Appeal Board interprets an aggrieved person to be one who receives an unfavorable decision from the administrative law judge. Here the decision of the administrative law judge is favorable to the claimant. For this reason the claimant's appeal must be and is dismissed.

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The appeal of the claimant is DISMISSED .	The decision of the administrative law judge remains in full
force and effect	

John A. Peno
Elizabeth L. Seiser
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Monique F. Kuester

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