

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

PEDRO C CARMONA CRUZ
406 WELLINGTON ST
WATERLOO IA 50701 5937

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

NUNC PRO TUNC
Appeal Number: 06A-UI-03410-DWT
OC: 02/12/06 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The Appeals Section concluded Pedro C. Carmona Cruz (claimant) appealed a representative's February 23, 2006 decision (reference 01) that held him ineligible to receive unemployment insurance benefits as of February 12, 2006, because he was unable to work. On March 13, another representative's decision was mailed (reference 02). This decision amended the February 23, 2006 decision (reference 01) by giving the claimant another period of time in which to appeal. The March 13 decision was sent to both the claimant and the employer, but the February 23 decision had only been sent to the claimant. The March 13 decision is identical to the February 23 decision but gave the claimant new or additional appeals right. Since the decision for appeal 06A-UI-03411-DWT addresses the identical issue, the decision for appeal 06A-UI-03411-DWT is incorporated and adopted by reference for this appeal decision as well.

This Nunc Pro Tunc Order is issued to correct the disqualification date in the decision. The correct disqualification date is February 12, 2006, and not March 12, 2006.

FINDINGS OF FACT:

See the decision for appeal 06A-UI-03411-DWT.

REASONING AND CONCLUSIONS OF LAW:

See the decision for appeal 06A-UI-03411-DWT.

DECISION:

The representative's February 23, 2006 decision (reference 01) was modified by a representative's March 13, 2006 decision. While the decision is affirmed in that the claimant is not eligible to receive unemployment insurance benefits, the time to appeal the decision was extended when a representative issued the March 13, 2006 decision. See decision for appeal 06A-UI-03411-DWT. The claimant is not eligible to receive benefits as of February 12, 2006.

dlw/tjc