

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JERRON L ARAGON
Claimant

APPEAL 20A-UI-01190-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AARON'S LAWN CARE & LANDSCAPING
Employer

**OC: 11/27/16
Claimant: Respondent (6)**

Iowa Code § 96.6(2) – Timeliness of Employer Protest
Iowa Code § 96.6(2) – Timeliness of Employer Appeal
Iowa Code § 96.7(2)a(6) – Statement of Charges Appeal
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act

STATEMENT OF THE CASE:

An appeal was set up from a representative's decision dated November 22, 2017 (reference 01) that found claimant was eligible for benefits during his November 27, 2016 claim year, as he was able to and available for work. The appeal letter from the employer intended to appeal the February 7, 2020 statement of charges for the fourth quarter of 2019 and this appeal was mistakenly set up in error. An appeal hearing will be scheduled on the case that the appeal letter was submitted by the employer for and a new hearing notice will be mailed to both parties.

ISSUE:

Should the appeal in this matter be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer forwarded an appeal letter dated February 10, 2020 intending to appeal the statement of charges for the fourth quarter of 2019. An appeal hearing will be scheduled on the case that the appeal letter was submitted by the employer for. The parties will receive a new hearing notice with the date and time of the new hearing.

The appeal from the representative's decision dated November 22, 2017 (reference 01) was set up in error. The hearing scheduled for February 25, 2020 at 1:00 p.m. is cancelled.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.6(2) provides that a party to a representative's decision must appeal that decision with ten days of the mailing of the decision. No party to the representative's decision filed an appeal. The appeal letter submitted was for a different matter and this appeal was mistakenly set up in error. As such, the appeal in this matter should be dismissed.

DECISION:

The appeal in this matter is dismissed. The representative's decision dated November 22, 2017 (reference 01) shall remain in full force and effect. **The hearing scheduled for February 25, 2020 at 1:00 p.m. is cancelled.**

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn