

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSIE R DELACRUZ
Claimant

SHORT STAFFED INC
Employer

APPEAL 20A-UI-15532-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/21/20
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 August 13, 2020, Iowa Workforce Development issued a reference 02 decision that allowed claimant benefits and found employer, Short Staffed, would not be charged for the benefits. A different employer appealed a reference 01 unemployment insurance decision that allowed claimant benefits. The Appeals Bureau inadvertently set this decision up for an appeal hearing in error.

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: On August 13, 2020, Iowa Workforce Development issued a reference 02 decision that allowed claimant benefits and found employer, Short Staffed, would not be charged for the benefits. A different employer, KJ Angel Services, appealed a reference 01 unemployment insurance decision that allowed claimant benefits. The Appeals Bureau inadvertently set this decision up for an appeal hearing in error. This appeal will be dismissed. KJ Angel's appeal was set up as Appeal Number 20A-UI-15533 and claimant will be receiving a hearing notice in the mail.

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An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

A different employer, KJ Angel Services, appealed a decision allowing claimant benefits. The incorrect case with Short Staffed was set up for an appeal. This appeal will be dismissed and an appeal with the correct employer, KJ Angel Services, will be scheduled.

DECISION:

The appeal in this case is dismissed as it was set up in error. Claimant is allowed benefits based on his separation from Short Staffed, and Short Staffed will not be charged for benefits. Claimant will receive a hearing notice regarding the appeal filed by KJ Angel Services in the mail.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515)478-3528

January 8, 2021
Decision Dated and Mailed

cal/mh