

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DALLAS BEISCH
Claimant

APPEAL NO. 16A-UI-13533-ECT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/17/16
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Abel & Available
Iowa Admin. Code r. 871-24.2(1)e – Reemployment Services
Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Admin. Code r. 871-26.4(2) – Basis for Appeal

STATEMENT OF THE CASE:

This matter was erroneously set up as an appeal from the decision issued on July 21, 2016, reference 06, denying benefits as of 07/17/16 because the claimant failed to attend a reemployment services orientation on July 19, 2016. The claimant filed an appeal from another unemployment insurance decision, which was issued on December 7, 2016, reference 07. The appeal was postmarked on December 19, 2016.

ISSUE:

Was this matter erroneously set up as an appeal?

Was the appeal untimely?

FINDINGS OF FACT:

The evidence available in the administrative file shows that the claimant filed an appeal from an unemployment insurance decision relating to his employment with Pomeroy Development Corp Inc. and whether or not his claim should be redetermined as a business closing. That appeal is scheduled for a hearing on January 13, 2017 at 1:00 p.m. The claimant's appeal letter specified the other unemployment insurance decision, dated December 7, 2016, reference 07.

The appeal was mailed on December 19, 2016. The decision denying benefits due to his failure to attend the reemployment services orientation was issued on July 21, 2016, reference 06. The deadline to appeal this decision was July 31, 2016.

REASONING AND CONCLUSIONS OF LAW:

An appeal from an unemployment insurance decision should include the grounds upon which it is based. Iowa Admin. Code r. 871-26.4(2). The claimant included the grounds for his appeal from the decision relating to his request to have his claim redetermined as a business closing.

The claimant did not include any grounds for an appeal from this reemployment services decision. The appeal was set up in error.

Furthermore, the appeal is untimely. The decision was issued on July 21, 2016. The appeal deadline was July 31, 2016. This decision includes this statement: "This decision becomes final unless an appeal is postmarked by 07/31/2016, or received by Iowa Workforce Appeal Section by that date."

Iowa Code §96.6(2) requires a claimant to file an appeal of an IWD decision "within ten calendar days after notification was mailed to the claimant's last known address." The Iowa Supreme Court determined that a timely appeal is both mandatory and jurisdictional. *Beardslee v. Iowa Dept. of Job Services*, 276 N.W.2d 373, 377 (Iowa 1979).

The claimant's appeal was postmarked December 19, 2016. The IWD Appeals Bureau received this appeal on December 21, 2016. This appeal was untimely. Because the claimant's appeal was untimely, I do not have jurisdiction to consider whether or not the decision issued on July 21, 2016, reference 06 should be affirmed or reversed.

DECISION:

This matter was erroneously set up as an appeal. The appeal is dismissed. The decision issued on July 21, 2016, reference 06, remains in effect.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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