

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAYDEN M KENNEDY
Claimant

APPEAL 21A-UI-04367-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE
Employer

OC: 03/15/20
Claimant: Respondent (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:

The employer filed an appeal from the January 22, 2021 (reference 01) unemployment insurance decision that found claimant Jayden M. Kennedy was still employed with employer Iowa Catholic Conference and therefore ineligible for benefits. Simultaneously with the employer filing this appeal, the Benefits Bureau issued a new decision dated January 28, 2021 (reference 02) amending the previous decision with the correct employer, Dubuque—Holy Family Catholic.

This initial appeal that was set up is in error, as the underlying decision has been amended.

ISSUE:

Should the appeal of the amended decision in this matter be dismissed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer filed an appeal to the unemployment insurance benefits decision that denied unemployment insurance benefits based on employment with incorrect employer Iowa Catholic Conference. While employer appealed that decision, the Benefits Bureau was simultaneously correcting that decision and issuing the reference 02 decision that properly lists Dubuque—Holy Family Catholic as the employer. A new appeal case number (21A-UI-004368) has been set up for the claimant's appeal of the decision involving the correct employer, and a decision will be issued on the merits of that appeal.

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.

The employer filed an appeal from the January 22, 2021 (reference 01) unemployment insurance decision that found claimant Jayden M. Kennedy was still employed with employer Iowa Catholic Conference and therefore ineligible for benefits. Simultaneously with the employer filing this appeal, the Benefits Bureau issued a new decision dated January 28, 2021 (reference 02) amending the previous decision with the correct employer, Dubuque—Holy Family Catholic. An appeal has been set up (21A-UI-04368) and a decision will be issued on the merits of that appeal. As such, the appeal of the amended decision is dismissed.

DECISION:

The appeal in this case is dismissed, as the appeal is of a decision involving incorrect employer Iowa Catholic Conference.



Elizabeth A. Johnson
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April 12, 2021
Decision Dated and Mailed

lj/scn