

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

GARY V MOORE
Claimant

APPEAL NO: 18A-UI-10008-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LOWE'S HOME CENTERS LLC
Employer

OC: 09/09/18
Claimant: Respondent (6)

Iowa Code Section 96.5(1) – Voluntary Quit
Iowa Administrative Code Rule 871-24.27 – Voluntary Quit of Part-time Employment
Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the September 24, 2018, reference 01, decision that allowed reduced benefits to the claimant based on base period wage credits from employment other than the employment with Lowe's Home Centers provided he was otherwise eligible, that removed the claim the base period wage credits that were based on the Lowe's employment until the claimant earned 10 times his weekly benefit amount, and that relieved the employer account of Lowe's of liability for benefits, based on the Benefits Bureau deputy's conclusion that the claimant voluntarily quit part-time employment on July 8, 2018 without good cause attributable to the employer. An appeal hearing was set for October 17, 2018 and the parties were appropriately notified of the hearing. Claimant Gary Moore registered a telephone number for the hearing and was available for the hearing. The employer registered a telephone number for the hearing and was available through Julie Stephens. However, based on the administrative law judge's review of the September 24, 2018, reference 01, decision and other relevant portions of the Agency's administrative records, the administrative law judge concludes the employer is not aggrieved by the decision and that the employer's appeal should be dismissed.

ISSUE:

Whether the employer's appeal should be dismissed based upon the employer not being aggrieved by the lower decision and based on the employer having received all available remedy.

FINDINGS OF FACT:

The employer is the appellant in this matter. The September 24, 2018, reference 01, decision from which the employer appealed allowed reduced benefits to the claimant based on base period wage credits from employment other than the employment with Lowe's Home Centers provided he was otherwise eligible. The decision removed from the claim base period wage credits that were based on the Lowe's employment until the claimant earns 10 times his weekly

benefit amount. The decision also relieved the employer account of Lowe's of liability for benefits. The decision did these things based on the Benefits Bureau deputy's conclusion that the claimant voluntarily quit part-time employment on July 8, 2018 without good cause attributable to the employer. The decision was in the employer's favor.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require that the appealing party is aggrieved by the decision being appealed.

Iowa Administrative Code rule 871-26.8(1) provides as follows:

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 September 24, 2018, reference 01, was favorable to the employer in that it found the claimant had voluntarily quit the employment without good cause attributable to the employer and relieved the employer's account of liability for benefits. Accordingly, the employer is not aggrieved by the decision and no further remedy is available. For these reasons, the employer's appeal shall be dismissed.

DECISION:

The employer's appeal from the September 24, 2018, reference 01, decision is hereby dismissed because the employer is not aggrieved by the decision and has received all available remedy. The September 24, 2018, reference 01, decision remains in effect. The appeal hearing previously set for 11:00 a.m. on October 17, 2018 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs