

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STRUM, NINA, M**  
Claimant

**APPEAL NO. 10A-UI-16410-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WESLEY RETIREMENT SERVICES INC**  
Employer

**OC: 10/31/10**  
**Claimant: Respondent (5)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Code Section 96.7(2)(a)(2) – Employer Liability  
Iowa Code Section 96.6 – Aggrieved Party Requirement

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the November 24, 2010, reference 01, decision that allowed benefits, provided the claimant was otherwise eligible, and relieved the employer of liability for benefits so long as the claimant continued in the employment under the same conditions. An appeal hearing was set for January 18, 2011 and the parties were properly notified. The employer was available for the hearing through Stephanie Hamlin. Claimant did not respond to the hearing notice instructions and did not make herself available for the hearing. Upon review of the administrative file and the prior decision being appealed, the administrative law judge concluded a hearing was not necessary or appropriate.

**ISSUE:**

Whether the employer is an aggrieved party for purposes of the November 24, 2010, reference 01 decision.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 24, 2010, a workforce development representative entered a reference 01 decision. The decision allowed benefits to the claimant, provided the claimant met all other eligibility requirements. The decision relieved employer Wesley Retirement Services, Inc. of liability for benefits as long as the claimant continued in her employment under the same conditions. The decision indicated that in the event the claimant separated from the employment, the employer should notify Workforce Development so that the separation could be adjudicated.

**REASONING AND CONCLUSIONS OF LAW:**

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party. The employer is not an aggrieved party in connection with the claims representative's November 24, 2010, reference 01, decision that allowed benefits, provided the claimant was otherwise eligible, and that *relieved the employer of liability* for

benefits so long as the claimant continued in the employment under the same conditions. Because the employer has been relieved of charges for benefits so long as the claimant continues in the current employment under the same conditions, the employer has received all remedy available and is not an aggrieved party for purposes of the November 24, 2010, reference 01 decision. There is no basis for the employer's appeal. The appeal is hereby dismissed.

**DECISION:**

The Agency representative's November 24, 2010, reference 01 is modified as follows. The employer is not an aggrieved party and the appeal is dismissed. The decision that allowed benefits, provided the claimant was otherwise eligible, and that relieved the employer of liability for benefits so long as the claimant continued in the employment under the same conditions remains in effect.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/pjs