FILED
MAY 30 1980
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

196

THOMAS G. TAYLOR,

Petitioner-Appellant,

vs.

IOWA DEPARTMENT OF JOB SERVICE and SAGA ENTERPRISES INC., d/b/a STUART ANDERSON CATTLE CO.,

Respondent-Appellee.

Filed May 30, 1980

0-98
2-64008

Appeal from Polk District Court - A. V. Hass, Judge.

Claimant appeals district court's dismissal of his petition for judicial review of agency action denying him unemployment benefits alleging district court erred in ruling it lacked subject matter jurisdiction. AFFIRMED.

Thomas G. Taylor of Des Moines, Iowa, for petitioner-appellant.

Walter F. Maley & Blair H. Dewey of Des Moines, Iowa, for respondent-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

Petitioner-claimant, Thomas G. Taylor, appeals district court's dismissal of his petition for judicial review of respondent agency, Iowa Department of Job Service's action denying him unemployment benefits. He alleges district court erred in sustaining the agency's motion to dismiss for lack of subject matter jurisdiction on the grounds his former employer, Saga Enterprises, Inc., d/b/a Stuart Anderson Cattle Co., was a party of record to whom claimant was required to mail a file stamped copy of his petition for judicial review. Claimant also argues the agency erred in withholding unemployment benefits from him for misconduct since 1) his former employer failed to respond timely to his claim for benefits, 2) the claims deputy received ex parte communications from his former employer, 3) the hearing officer determined his former employer was an interested party, 4) he was not given notice of the grounds on which the hearing officer based his claim, and 5) the agency's action violated his constitutional guarantee of equal protection. We affirm.

On December 8, 1978, claimant was dismissed from his employment as a food server with the Stuart Anderson Cattle Co. restaurant in Des Moines, Iowa. He filed a claim for unemployment insurance compensation with the agency on December 11, 1978. On January 30, 1979, a claims deputy for the agency disqualified claimant from receiving benefits for seven weeks, concluding claimant's discharge was due to misconduct. Claimant appealed this decision to a hearing officer who, after an evidentiary hearing, affirmed the deputy's determination. From this ruling, claimant appealed to the agency's appeal board for review. The appeal board denied claimant's allegations of error on May 18, 1979, and reaffirmed its position on June 1, 1979. Having exhausted all administrative remedies, claimant filed a petition in Polk County District Court on June 28, 1979, requesting judicial review of the agency action. Notice was personally served on the agency, which answered and requested the matter be dismissed for lack of jurisdiction. District court sustained the motion on August 30, 1979, finding claimant had failed to comply with the statutory provisions of sections 17A.19(2) and 17A.19(4), the Code 1979. After two requests for reconsideration by claimant, district court, on August 13, 1979, issued a substituted ruling dismissing the petition for failure to comply with the notice requirements of section 17A.19(2), The Code. Claimant appeals from the August 13 ruling and an August 29, 1979 order overruling his motion to amend and modify and for leave to conform to proof that sought deletion of Saga Enterprise's name from the caption in the case.

I. **Scope of Review.** "Judicial review of administrative proceedings is a right conferred by statute." Kerr v. Iowa Public Service Co., 274 N.W.2d 283, 287 (Iowa 1979). Consequently, our examination of district court's order dismissing claimant's petition is at law. Second Injury Fund v. Mich Coal Co., 274 N.W.2d 300, 302 (Iowa 1979); City of Davenport v. Public Employment Relations Board, 264 N.W.2d 307, 311 (Iowa 1978). Our review is limited solely to the record made before the hearing officer. Hoffman v. Iowa Department of Transportation, 257 N.W.2d 22, 25 (Iowa 1977). A remedy is available only upon our determination the agency's action is unsupported by substantial evidence. Davenport, 264 N.W.2d at 311.

II. **Dismissal for Lack of Jurisdiction.** District court found claimant failed to satisfy the notice provisions of section 17A.19(2) that requires mailing of file stamped copies of the petition to all parties of record within ten days of filing his petition in district court. Due to this inadequacy, district court sustained the agency's motion to dismiss.

It is this court's duty to enforce the standards imposed by the legislature under the Iowa Administrative Procedure Act. Record v. Iowa Merit Employment Department, 285 N.W.2d 169, 173 (Iowa 1979). Section 17A.19(2) provides its requirements are jurisdictional. Id. For purposes of section 17A.19(2), "party of record" includes all parties to the action before the agency. See section 17A.2(5), The Code 1979. Because Saga Enterprises, Inc., d/b/a Stuart Anderson's Cattle Co., was a party of record before the agency, it properly was named as a party in the petition for judicial review and should have been mailed a file stamped copy of that petition. Due to claimant's failure to meet this requirement, we must affirm district court's determination it lacked jurisdiction to review the agency's action.[1] Record, 285 N.W.2d at 173. Consequently, we do not address any other assignments of error raised on this appeal.

Judgment of district court is affirmed. Costs of this appeal are assessed against claimant.

AFFIRMED.

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[1] We do not agree, however, with the conclusion district court lacked subject matter jurisdiction. A court acquires subject matter jurisdiction over an action when it has "...the power to hear and determine cases of the general class to which the proceedings belong." Pierce v. Pierce, 287 N.W.2d 789, 881 (Iowa 1980); Wederath v. Brant, 287 N.W.2d 591, 594 (Iowa 1980); In re Marriage of Helm, 271 N.W.2d 725, 727 (Iowa 1978). It is clear district court did have subject matter jurisdiction but did not have jurisdiction over all necessary parties as required by section 17A.19(2).