

**Court of Appeals, Division One**  
**Unemployment Board**

**1 CA-UB 23-0397**

**DANELSKI v. ADES**

**Appellate Case Information**

Case Filed: 22-Dec-2023

Case Closed: 19-Apr-2024

Dismissal

**Dept/Composition**

**Side 1. BERKELEY DANELSKI, Appellant**

(Litigant Group) BERKELEY DANELSKI

- Berkeley Danelski

**Attorney for: Appellant**

Kelley M Jancaitis, Esq. (AZ Bar No. 25555)

**Side 2. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, an Agency, Appellee**

(Litigant Group) ARIZONA DEPARTMENT OF ECONOMIC SECURITY

- Arizona Department of Economic Security

**Attorneys for: Appellee**

Jennifer R Blum, Esq. (AZ Bar No. 29716)

**CASE STATUS**

Apr 19, 2024.....Case Closed

**PREDECESSOR CASE(S)**

UAB U-1902217-001-B

**Cause/Charge/Class**

**Judgment/Sentence**

**Judge, Role <Comments>**

**Trial**

**Dispo**

**CASE DECISION**

19-Apr-2024 **ORDER**

ORDERED: Stipulation to Dismiss Appeal (Appellee) = GRANTED/lifting the stay and dismissing this appeal. The parties shall bear their own costs and fees.

Filed: 19-Apr-2024

Mandate:

Decision Disposition

**Dismissed**

David Gass.....Author

**15 PROCEEDING ENTRIES**

- 22-Dec-2023 FILED: Record on Appeal/Application for Appeal to the Court of Appeals
- 3-Jan-2024 FILED: Appellate Clerk Notice Re: Benefits Application for Appeal - assigned to Dept. C, Judges McMurdie, Cruz, Bailey
- 12-Feb-2024 ORDERED: ADES transmit to the appellate court all records from the Appeals Board's decision affirming the Claimant's PUA ineligibility and overpayment. Hon Paul J McMurdie - Author
- 13-Feb-2024 ORDERED: Record on Appeal/Application for Appeal to the Court of Appeals = GRANTED. FURTHER ORDERED: Staying this appeal pending a determination on whether this case should be assigned to the court's Pro Bono Program. FURTHER ORDERED: Vacating the assignment of this appeal to Department C. Hon Paul J McMurdie - Author
- 15-Feb-2024 ORDERED: Placing this appeal in the court's pro bono program. FURTHER ORDERED: Any objection to appointment of pro bono counsel be filed by 2/26/24. FURTHER ORDERED: Pro bono counsel to file notice of appearance by 3/27/24. FURTHER ORDERED: Continuing the stay of this appeal pending further order of the court. Hon David B Gass - Author
- 12-Mar-2024 FILED: Motion to Suspend Appeal and Revest Jurisdiction in DES and to Vacate Order to Supplement the Record; ADES's Certificate of Service for Motion to Suspend Appeal and Revest Jurisdiction in DES and to Vacate Order to Supplement the Record (Appellee)
- 26-Mar-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
- 26-Mar-2024 FILED: Unopposed Motion for Procedural Order to Extend Deadline to Respond to Motion to Suspend Appeal (First Request); Certificate of Service (Appellant)
- 28-Mar-2024 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Appointing Kelley M. Jancaitis as pro bono counsel to represent appellant for purposes of this appeal only. FURTHER ORDERED: Directing the clerk of the court to amend the record to reflect pro bono counsel of record. FURTHER ORDERED: Granting the motion and extending the time to respond to the motion to suspend appeal until 4/8/24. FURTHER ORDERED: Court will address the briefing schedule in the order ruling on the motion to suspend the appeal. FURTHER ORDERED: Any request for oral argument must be filed in accordance with ARCAP 18. Hon David B Gass - Author

**Court of Appeals, Division One****Unemployment Board****1 CA-UB 23-0397****DANELSKI v. ADES****15 PROCEEDING ENTRIES**

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| 10. | 29-Mar-2024 | FILED: Supplement to Existing Application and Record to the Court of Appeals  |
| 11. | 2-Apr-2024  | FILED: Response in Support of Motion to Suspend Appeal; Certificate of Service (Appellant)  |
| 12. | 3-Apr-2024  | ORDERED: MOTION TO SUSPEND APPEAL AND REVEST JURISDICTION IN DES and to Vacate Order to Supplement the Record (Appellee) = GRANTED/staying this appeal and revesting jurisdiction in the Department for further proceedings. FURTHER ORDERED: Directing parties to file a status report by 7/2/24 if a motion to dismiss the appeal is not filed before that date. FURTHER ORDERED: Motion to Suspend Appeal and Revest Jurisdiction in DES and to VACATE ORDER TO SUPPLEMENT THE RECORD (Appellee) = DENIED as moot. Hon David B Gass - Author |
| 13. | 18-Apr-2024 | FILED: Stipulation to Dismiss Appeal; ADES's Certificate of Service for Stipulation to Dismiss Appeal (Appellee)  |
| 14. | 19-Apr-2024 | ORDERED: Stipulation to Dismiss Appeal (Appellee) = GRANTED/lifting the stay and dismissing this appeal. The parties shall bear their own costs and fees. Hon David B Gass - Author   |
| 15. | 19-Apr-2024 | FILED: Letter, 4/19/24, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, ADES Appeals Board.  |