

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DAVE R SCHMITT**  
Claimant

**APPEAL 20A-UI-01194-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/05/20**  
**Claimant: Appellant (6)**

Iowa Code § 96.4(3) - Able and Available  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

On February 10, 2020, the claimant filed an appeal from the February 3, 2020, (reference 02) unemployment insurance decision that denied benefits. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 04 representative's decision), no hearing was scheduled.

**ISSUE:**

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 04 representative's decision.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The appeal of the February 3, 2020, (reference 02) unemployment insurance decision is dismissed. Benefits are allowed.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

February 13, 2020  
Decision Dated and Mailed

cal/rvs