

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

NANCY J NEELS
12916 W 108TH ST
OVERLAND PARK KS 66210 1108

SCHILDBERG CONSTRUCTION CO
108 SE 6TH
PO BOX 358
GREENFIELD IA 50849

SECOND AMENDED

Appeal Number: **04A-UI-10891-H2T**
OC 09-26-04 **R 12**
Claimant: **Respondent (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 23.43(9) – Combined Wage Claim/Relief of Charges

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 5, 2004, reference 01, decision that allowed benefits. After due notice was issued, a telephone hearing was scheduled for October 28, 2004. Because of subsequent agency action, the hearing was not necessary.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the employer appealed from dated October 5, 2004, reference 01, allowed charges to be made to the employer's account. In a representative's decision dated October 8, 2004, reference 04, the agency voided that decision.

REASONING AND CONCLUSIONS OF LAW:

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

DECISION:

The representative's decision dated October 5, 2004, reference 01 is voided so as to be consistent with the subsequent agency action. The employer's account will not be charged.

tkh/b/b/kjf