

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALINA M VANBARG
Claimant

APPEAL 17A-UI-08044-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/16/17
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawals, dismissals, and postponements

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 7, 2017, (reference 02), unemployment insurance decision that denied benefits during the week ending July 22, 2017, due to claimant's availability for work. After due notice was issued, a telephone conference hearing was scheduled to be held on August 25, 2017. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 07 representative's decision), no testimony was necessary and no hearing was held.

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 reversed by the reference 07 representative's decision. The reference 07 decision finds claimant available for work effective July 16, 2017.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 ineligibility decision prior to the hearing, there is no issue for the administrative law judge to adjudicate.

DECISION:

The August 7, 2017, (reference 02) unemployment insurance decision has been reversed so the appeal is dismissed. Benefits are allowed, provided claimant is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn