

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**DAWN RUSSO**  
Claimant

**APPEAL 17A-UI-01554-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/18/16  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the January 31, 2017, (reference 02) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on March 3, 2017. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 05 representative's decision), no testimony was necessary and no hearing was held.

**ISSUE:**

The issue is whether the representative's decision should be affirmed.

**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 05 representative's decision.

**REASONING AND CONCLUSIONS OF LAW:**

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 January 31, 2017, (reference 02) unemployment insurance decision is reversed. Benefits are allowed, provided claimant is otherwise eligible.

---

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

---

Decision Dated and Mailed

cal/