

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KILEY J SMITH
Claimant

APPEAL 19A-UI-09061-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT
Employer

OC: 09/30/18
Claimant: Appellant (6)

19 U.S.C. §§ 2271-2331 – Trade Act of 1974
20 C.F.R. Part 617 – Trade Adjustment Assistance
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

STATEMENT OF THE CASE:

On November 1, 2019, the claimant filed an appeal from the October 10, 2019 Waiver of TAA Training Requirement that allowed TRA weekly benefits effective October 5, 2019. The parties were properly notified about the hearing. A telephone hearing was scheduled for December 12, 2019. Prior to the hearing, the issue in dispute was resolved in claimant's favor. Therefore, 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 waiver appealed has been amended in favor of the claimant. TRA weekly benefit payments are now allowed effective July 27, 2019. The claimant has indicated in writing that the issue has been resolved to her satisfaction.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 amended the waiver in claimant's favor and the claimant is satisfied with the amendment, there is no issue for the administrative law judge to adjudicate.

DECISION:

The appeal of the October 10, 2019 Waiver of TAA Training Requirement is dismissed. TRA weekly benefits payments are allowed effective July 27, 2019.



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

December 13, 2019
Decision Dated and Mailed

cal/scn