

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

HOLLIS H COLLIVER
Claimant

APPEAL NO: 15A-UI-05824-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/21/14
Claimant: Appellant (1-R)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Hollis Colliver (claimant) appealed a representative's May 7, 2015, decision (reference 03) that declared representative's April 13, 2015, decision (reference 02), null and void. After due notice was issued, a hearing was held on June 10, 2015. Claimant participated.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: A representative's January 12, 2015, decision (reference 01), found the claimant was not eligible to receive unemployment insurance benefits because he was not able and available for work as of December 21, 2014. The employer, Farmers Cooperative Association, was a party to this decision. The claimant appealed the representative's decision. Administrative Law Judge Golden entered a decision on April 1, 2015, affirming the representative's decision. The claimant appealed the representative's decision. The Employment Appeal Board entered a decision on May 4, 2015, affirming Administrative Law Judge Golden's decision.

A representative's April 13, 2015, decision (reference 02), was entered in error finding the claimant was able and available for work as of December 21, 2014. The employer was not a party to this decision. IWD recognized the error and entered a representative's May 7, 2015, decision (reference 03) declaring April 13, 2015, decision (reference 02), null and void.

The claimant believes he is able and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the April 13, 2015, decision (reference 02), null and void

The Employment Appeal Board's decision cannot be changed by a representative's decision or an administrative law judge. The April 13, 2015, decision (reference 02), is null and void.

The issue of whether the claimant is able and available for work as of April 12, 2015, is remanded for determination.

DECISION:

The representative's May 7, 2015, decision (reference 03) is affirmed. The April 13, 2015, decision (reference 02), is null and void. The issue of whether the claimant is able and available for work as of April 12, 2015, is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs