

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA BARBER
Claimant

APPEAL NO: 13A-UCFE-00022-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

OC: 04/07/13
Claimant: Respondent (6)

871 IAC 24.9(2) - Nonmonetary determinations
871 IAC 26.2 - Dismissed - Not a Contested Case

STATEMENT OF THE CASE:

The US Postal Service (employer) appealed an unemployment insurance decision dated April 29, 2013, reference 01, which held that Melissa Barber (claimant) was eligible for unemployment insurance benefits. Due notice was issued scheduling the matter for a telephone hearing to be held June 17, 2013. Before a hearing could be held, the Agency granted the relief requested by the employer by issuing a subsequent decision holding the April 29, 2013 decision null and void. Under these circumstances, no hearing is necessary.

ISSUE:

The issue is whether a hearing in this matter is necessary.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The decision from which the employer has appealed has been rendered null and void by a subsequent fact-finding decision issued May 6, 2013.

REASONING AND CONCLUSIONS OF LAW:

The question is whether a hearing in this matter is necessary. A contested case includes any appeal from a determination that affects an employer's liability. 871 IAC 26.2. In this case, the April 29, 2013 decision from which the employer appealed was later amended and considered null and void by the Department. As a result of the later decision that amended reference 01, there are no issues to be adjudicated in this matter. This matter is therefore dismissed.

DECISION:

The unemployment insurance decision dated April 29, 2013, reference 01, is null and void. The decision was amended by a decision dated May 6, 2013, reference 02.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs