

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NORA HERNANDEZ**  
Claimant

**CURLYS FOODS**  
Employer

**APPEAL 17A-UI-00682-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.23 – Substitution of Wages Due to Receipt of Workers' Compensation

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 11, 2017, (reference 02) unemployment insurance decision that granted claimant's request to substitute wages in calendar quarters prior to the base period, but limited the potential charges on the claim to \$3,064.00. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 04 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 04 representative's decision.

**REASONING AND CONCLUSIONS OF LAW:**

Inasmuch as the agency reversed the reference 02 decision prior to the hearing, there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The January 11, 2017, (reference 02) unemployment insurance decision is reversed. Benefits are allowed.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
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Decision Dated and Mailed

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