

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LORNA JOSEPH**  
Claimant

**APPEAL 18A-UI-00221-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/03/17**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report  
Iowa Admin. Code r. 871-26.8(1) – Dismissals

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the December 20, 2017, (reference 05) unemployment insurance decision that denied benefits based on a failure to report to the department as directed. After due notice was issued, a hearing was scheduled to be held on January 30, 2018. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 10 representative's decision), no testimony was necessary and 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 decision appealed has been reversed in favor of the appellant by the reference 10 representative's decision.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 reversed the prior decision finding claimant ineligible for benefits prior to the hearing, there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The December 20, 2017, (reference 05) unemployment insurance decision is reversed. Benefits are allowed.

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

cal/scn