

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE R LOPEZ
Claimant

APPEAL 16A-UI-07948-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES – BURLINGTON INC
Employer

OC: 05/29/16
Claimant: Appellant (1)

871 IAC 24.19(3) – Determination and Review of Benefit Rights

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the July 15, 2016 (reference 05) decision that notified him that the representative decision issued on June 16, 2016, (reference 02) was issued in error and was now being considered null and void. After due notice was issued, a hearing was held by telephone conference call August 9, 2016. Claimant participated with the assistance of CTS language link Spanish interpreter Socrates #10413. Employer participated through Judy Rebik, Manager. Employer's exhibit one was entered and received into the record. Claimant participated with the assistance of

ISSUE:

Does the agency have the legal authority to nullifying a decision they issued?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On June 16, 2016, the agency determined that claimant was eligible for unemployment insurance benefits. On July 15, 2016, the agency issued a new decision indicating that the claimant was not eligible for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the agency did have the authority to nullify a decision.

871 IAC 24.19(3) provides:

Upon receiving a written request for review or, **on its own initiative** and on the basis of the facts as it may have in its possession or may acquire, the claims section may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The

claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final and benefits shall be paid or denied in accordance therewith.

The rules does not require the agency establish any good cause reason for issuing a new decision nor does it limit the amount of time in which the agency has to issue the new decision. The rule set out above indicates that the agency does have authority on their own initiative to nullify and void their prior decision. Thus, the agency was allowed to issue the decision of July 15, 2016 that in essence voided or nullified the decision they had previously issued on June 16, 2016.

DECISION:

The July 15, 2016, (reference 05) decision is affirmed in that the agency did have the authority to nullify a previously issued decision.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs