

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIAN J MORRISON
Claimant

B&D TRANSPORT INC
Employer

APPEAL 18A-UI-11153-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/05/18
Claimant: Appellant (1)

Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 2, 2018, (reference 04) unemployment insurance decision that nullified a reference 03 decision allowing benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 5, 2018. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Does the agency have the legal authority to nullify a decision it issued?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of August 5, 2018. On August 15, 2018, a workforce representative issued a reference 01 decision finding claimant was disqualified from receiving benefits because she has not earned eight times her weekly benefit amount, making her ineligible for benefits in a second benefit year. Claimant appealed the decision and it was affirmed by an administrative law judge on September 19, 2018. Claimant did not appeal the administrative law judge's decision.

On October 23, 2018, a workforce representative issued a reference 03 decision allowing benefits based on a finding claimant had earned eight times her weekly benefit amount making her eligible for benefits in a second benefit year. The same day, Iowa Workforce Development released payment for the eleven weeks claimant had filed weekly continued claims so far during the benefit year. Claimant received unemployment insurance benefit payments in the gross amount of \$1,887.00.

On November 2, 2018, a workforce representative issued a reference 04 decision voiding the reference 03 decision as it had been entered in error. Corresponding overpayment decisions were issued on November 5 and 6, 2018, for the eleven weeks of benefits claimant had received.

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.

Iowa Admin. Code r. 871-24.19(3) states:

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 benefits bureau 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 rule does not require the agency to 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 the agency does have authority on its own initiative to nullify and void a prior decision. Thus, the agency was allowed to issue the November 2, 2018, decision that nullified the decision it had previously issued on October 23, 2018.

DECISION:

The November 2, 2018 (reference 04) decision is affirmed. The agency had the authority to nullify and void the reference 03 decision.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn