

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNA L BATES
Claimant

APPEAL 16R-UI-12291-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/05/16
Claimant: Appellant (2)**

871 IAC 24.19(3) – Determination and Review of Benefit Rights
Iowa Code § 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the August 30, 2016, (reference 04) decision that found her overpaid unemployment insurance benefits due to her receipt of vacation pay. On September 16, 2016 the agency issued reference 05 which nullified the reference 04 decision that had been issued.

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: The decision appealed, reference 04, has been nullified by the September 16, 2016, reference 05 representative's decision. The question of the claimant's overpayment of benefits is dealt with in reference 07.

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 September 16, 2016, that in essence voided or nullified the decision they had previously issued on August 30, 2016.

DECISION:

The August 30, 2016, (reference 04) decision is reversed as null and void as the agency did have the authority to nullify the decision when they issued reference 05.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs