

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KYLIE J WROBEL**  
Claimant

**APPEAL 17A-UI-10782-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE RESPITE CONNECTION INC**  
Employer

**OC: 10/01/17  
Claimant: Appellant (6)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.7(2)a – Same Base Period Employment  
Iowa Code Chapter 96 – Requalification

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 18, 2017, (reference 03) unemployment insurance decision that denied benefits based upon claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was scheduled for November 8, 2017. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 07 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 amended in favor of the appellant by the reference 07 representative's decision. The reference 07 decision found claimant has requalified for benefits since separating from this employer and that employer will not be charged for any benefits paid on this claim.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

**DECISION:**

The appeal of the October 18, 2017, (reference 03) unemployment insurance decision is dismissed as moot. Benefits are allowed and the employer's account (325682) shall not be charged.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

cal/rvs