

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DIXIE L ATHEY  
700 W RIDGEWAY AVE #851  
CEDAR FALLS IA 50613

ALLIED INTERSTATE INC  
% SHEAKLEY UNISERVICE INC  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 04A-UI-08565-CT  
OC: 07/25/04 R: 03  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3(5) – Duration of Benefits

STATEMENT OF THE CASE:

Dixie Athey filed an appeal from a representative's decision dated August 3, 2004, reference 01, which denied her request to have her claim re-determined as a business closing. Due notice was issued scheduling the matter for a telephone hearing to be held on August 30, 2004. Because of subsequent agency action, no hearing was held.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: The decision denying the business closing re-determination has now been reversed by a subsequent agency decision bearing reference number 02.

REASONING AND CONCLUSIONS OF LAW:

Inasmuch as Ms. Athey has now been allowed a business closing re-determination, the decision of August 3, 2004 shall be reversed so as to be consistent with the subsequent allowance.

DECISION:

The representative's decision dated August 3, 2004, reference 01, is hereby reversed. Ms. Athey's request to have her claim re-determined as a business closing is allowed.

cfc/kjf