

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**JAMIE L SHOFNER**  
Claimant

**APPEAL NO: 19A-UI-00968-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPIRIT HOMECARE LLC**  
Employer

**OC: 01/20/19**  
**Claimant: Appellant (6)**

Iowa Code § 96.3(5) -- Duration of Benefits  
871 IAC 24.29 – Business Closing  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 29, 2019, (reference 01) unemployment insurance decision which denied the claimant's request to have her unemployment claim redetermined as a business closing. After due notice was issued, a hearing was scheduled to be held on February 18, 2019. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 03 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 03 representative's decision.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

**DECISION:**

The appeal of the January 29, 2019, (reference 01) unemployment insurance decision is dismissed. The issue has been administratively resolved. Monetary redetermination based on a business closing is allowed.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn