

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

CHARLES L SALTOU
Claimant

APPEAL NO: 19A-UI-00877-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/23/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) - Able and Available
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report
Iowa Admin. Code r. 871-24.23(11) – Failure to Report
871 IAC 24.19(3) – Determination and Review of Benefit Rights/ Subsequent Agency Action

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 29, 2019, (reference 02) unemployment insurance decision that concluded the claimant was ineligible to receive benefits effective January 20, 2019. The claimant was properly notified about the hearing. A telephone hearing was held on February 14, 2019. The claimant participated. The hearing was held as a consolidated hearing with 19A-UI-00876-JC-T and 19A-UI-00878-JC-T. Before the hearing, the appealed decision was amended by a decision dated January 31, 2019 (reference 04). As such, the decision dated January 29, 2019 (reference 02) is null and void due to subsequent agency action in amending the decision.

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: The claimant established a claim effective December 23, 2018. A reference 02 decision dated January 29, 2019 was rendered, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative. On January 31, 2019, the department representative issued a reference 04 decision which declared the reference 02 initial decision to be null and void.

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 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 January 31, 2019, that in essence voided or nullified the decision they had previously issued on January 29, 2019.

DECISION:

The January 29, 2019, (reference 02) decision is reversed as null and void as the agency did have the authority to nullify the decision when it issued the reference 04 decision.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn