

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**STEVEN R MONTAGUE**  
Claimant

**APPEAL 14A-UI-11621-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/24/14**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 30, 2014, reference 02, decision that denied benefits. Because of subsequent agency action, the hearing was not necessary.

**ISSUE:**

Should the decision be reversed to be consistent with subsequent agency action?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed from dated October 30, 2014 reference 02 denied benefits effective October 26, 2014. In a representative's decision dated November 13, 2014, reference 03 amending reference 02, the agency reversed that denial and allowed benefits effective October 26, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

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 representative's decision dated October 30, 2014, reference 02 is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs