

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUSAN J SCHULZ
Claimant

FOUNDATION 2 INC
Employer

APPEAL 19A-UI-08146-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/29/19
Claimant: Appellant (6)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

STATEMENT OF THE CASE:

On October 19, 2019, Susan J. Schulz (claimant) filed an appeal from the October 17, 2019, reference 01, unemployment insurance decision that denied benefits based on a separation from Foundation 2, Inc. (employer). The agency issued a subsequent decision dated October 18, 2019, reference 02, amending the prior decision but still denying benefits. The amended decision was addressed in appeal 19A-UI-08147-SC-T. Because the reference 01 decision was set up for hearing in error as it was amended and no longer in effect, no testimony was necessary and no hearing was scheduled or held.

ISSUE:

Should the appeal be dismissed because it was set up in error?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended by the reference 02 unemployment insurance decision and is no longer in effect. The reference 02 decision was addressed by appeal 19A-UI-08147-SC-T.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

DECISION:

The appeal of the October 17, 2019, reference 01, unemployment insurance decision is dismissed. The appeal of the claimant's disqualification for unemployment insurance benefits is addressed in appeal 19A-UI-08147-SC-T.

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

Decision Dated and Mailed

src/scn