

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMIE KIBBIE
Claimant

APPEAL NO. 08A-UI-04633-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SICKLER MARKETING LLC
Employer

**OC: 03/23/08 R: 02
Claimant: Appellant (2)**

871 IAC 24.9(2) – Nonmonetary Determinations
871 IAC 26.2 – Dismissed - Not a Contested Case

STATEMENT OF THE CASE:

Tammie Kibbie (claimant) appealed an unemployment insurance decision dated April 29, 2008, reference 01, which denied her request to have her claim redetermined as a business closing. Due notice was issued scheduling the matter for a telephone hearing to be held May 29, 2008. Before a hearing could be held, the Agency granted the relief requested by the claimant by issuing a subsequent decision holding the April 29, 2008 decision null and void. Under these circumstances, no hearing is necessary. Based on the subsequent decision that amended reference 01, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether a hearing in this matter is necessary?

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The decision from which the claimant has appealed has been rendered null and void by a subsequent fact-finding decision issued May 29, 2008.

REASONING AND CONCLUSIONS OF LAW:

The question is whether a hearing in this matter is necessary. It is not because the claimant has received the relief she requested in her appeal. At issue in this matter was whether the claimant became unemployed as a result of her employer going out of business. The Agency initially denied the claimant's request to have her claim redetermined as a business closing. However, a subsequent decision issued May 29, 2008, reference 03, confirmed that the claimant did become separated from her employer as a result of her employer going out of business as that term is defined by the Iowa Employment Security law. Her claim should therefore be recalculated based on a business closing.

DECISION:

The unemployment insurance decision dated April 29, 2008, reference 01, is reversed. The claimant is unemployed as a result of her employer going out of business at the location where she was last employed. Her claim should be recalculated based on a business that has permanently closed its doors.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw