

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID E BISENIUS
Claimant

APPEAL NO. 14A-UI-09165-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/22/14
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 2, 2014, reference 03, decision that denied benefits due to the claimant's failure to report. Prior to a hearing being scheduled, the agency issued a new decision that allowed benefits as the claimant. Because of subsequent agency action, the hearing was not necessary.

ISSUE:

Is the claimant able and available for work.

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 September 2, 2014, reference 03, denied benefits effective August 24, 2014. In a representative's decision dated September 11, 2014, reference 04, the agency reversed that denial and allowed benefits effective August 24, 2014. It was found that the claimant did not fail to report as directed.

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.

The claimant is able to and available for work and did not fail to report as directed.

DECISION:

The representative's decision dated September 2, 2014, reference 03 is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css