

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA L CORTES
Claimant

APPEAL 20A-UI-02697-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/26/20
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

STATEMENT OF THE CASE:

On March 30, 2020, the claimant filed an appeal from the February 26, 2020, (reference 02) unemployment insurance decision that withheld benefits based on her failure to report as directed to a department representative. After due notice was issued, a hearing was scheduled to be held on May 4, 2020. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 03 unemployment insurance decision), no testimony was necessary and no hearing was held.

ISSUE:

Should the unemployment insurance decision be affirmed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been resolved administratively prior to the hearing in the appellant's favor. See unemployment insurance representative's decision reference 03.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

DECISION:

The appeal of the February 26, 2020, (reference 02) unemployment insurance decision is dismissed. Benefits are allowed.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/scn