

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 08/09/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

JO-ANN D. TULLO,) Court of Appeals
) Division One
 Appellant,) No. 1 CA-UB 12-0222
)
 v.) A.D.E.S. Appeals Board
) No. U-1305426-BR
 ARIZONA DEPARTMENT OF ECONOMIC)
 SECURITY, an Agency,) DEPARTMENT E
)
 Appellee.) **DECISION ORDER**
)

In an order dated July 5, 2012, this Court granted the application for appeal of claimant Jo-Ann Tullo in this overpayment case, U-1305426-BR. The order stayed the appeal and ordered the Arizona Department of Economic Security ("ADES") to file a memorandum showing why the overpayment decision appealed from was not moot.

On August 1, 2012, ADES filed a memorandum acknowledging that the July 16, 2012 corrected decision of the Appeal Tribunal in U-1318575 ("Corrected Decision") eliminated in its entirety the overpayment at issue in the current appeal. ADES asks that we remand the matter to the Appeals Board for a hearing on the merits of Tullo's request for review, in light of the Corrected Decision. Upon consideration by the Court, Presiding Judge

A.D.E.S. Appeals Board
U-1305426-BR

Maurice Portley and Judges Philip Hall and Diane M. Johnsen,
participating,

IT IS ORDERED vacating the Appeals Board's Decision Upon Review of March 20, 2012. As stated in this Court's order of July 5, 2012, Tullo's request for review in this case, U-1305426-BR, should be considered timely.

IT IS FURTHER ORDERED remanding the matter to the Appeals Board for consideration of Tullo's request for review on its merits. The Board shall consider Tullo's request for review in light of the Corrected Decision, which, as ADES states, "effectively eliminates the entire overpayment of \$3,666 in benefits because it reversed the Determination of Deputy that was the exclusive basis for the Determinations of Overpayment."

/s/
DIANE M. JOHNSEN, Judge