

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL D HILLIS
Claimant

MENARD INC
Employer

APPEAL 21A-UI-11141-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/07/21
Claimant: Respondent (6R)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code §96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the April 9, 2021 (reference 02) unemployment insurance decision that allowed unemployment insurance benefits based upon claimant's discharge from work on February 12, 2021. The parties were properly notified of the hearing. A telephone hearing was held on July 8, 2021. The claimant participated personally and was represented by Attorney Michael Winter. The employer, Menard Inc., was represented by James Anderson and participated through witnesses Sam Park, Meredith Bradley, and Nolan Fillipi. Employer's Exhibits 1 through 7 were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-11285-DB-T.

ISSUE:

Has the issue of separation from employment been previously adjudicated?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits funded by the State of Iowa with an effective date of March 7, 2021 following his separation from employment with this employer. On April 1, 2021, the Benefits Bureau of Iowa Workforce Development issued the reference 01 decision that found the claimant was eligible for benefits following a discharge from work on February 12, 2021. That decision was appealed by the employer in Appeal No. 21A-UI-11285-DB-T.

On April 9, 2021, the Benefits Bureau of Iowa Workforce Development issued the reference 02 decision in this case that found the claimant was eligible for benefits following a discharge from work on February 12, 2021 even though that same separation from employment had already been adjudicated in the April 1, 2021 (reference 01) decision. The April 9, 2021 (reference 02) decision duplicates the same issue that was previously adjudicated.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot. *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005). “A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent.” *Iowa Bankers Ass’n v. Iowa Credit Union Dep’t*, 335 N.W.2d 439, 442 (Iowa 1983).

Iowa Code section 96.6 creates the jurisdictional structure and parameters by which unemployment insurance issues are to be decided. The Benefits Bureau serves as the first-level decision maker. The Appeals Bureau serves as the second-level adjudicator. The Employment Appeal Board serves as the third-level adjudicator. Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). It causes jurisdictional issues when the Benefits Bureau enters a decision that duplicates a prior decision on the same issue. The issue of whether the claimant’s separation from employment was disqualifying has now been adjudicated by this administrative law judge in Appeal Number 21A-UI-11285-DB-T.

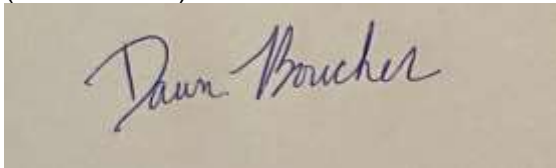
The Benefits Bureau lacked jurisdiction to enter the April 9, 2021 (reference 02) decision that duplicated the previous separation decision that had already been issued. This administrative law judge cannot adjudicate an issue that has already been adjudicated in a separate decision. As such, this appeal to the decision issued on April 9, 2021 (reference 02) is dismissed as moot. This matter will be remanded to the Benefits Bureau for deletion of the duplicative April 9, 2021 (reference 02) decision.

DECISION:

The appeal is dismissed as moot. The April 9, 2021 (reference 02) decision duplicated the previously adjudicated separation issue and will remain in place until the Benefits Bureau deletes this duplicative and unnecessary decision. The issue of separation of employment has been addressed in Appeal Number 21A-UI-11285-DB-T.

REMAND:

This matter is remanded to the Benefits Bureau for deletion of the duplicative April 9, 2021 (reference 02) decision.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive, flowing style.

Dawn Boucher
Administrative Law Judge

July 20, 2021
Decision Dated and Mailed