

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LASHAUNA J MORNING
Claimant

VIBRANT LLC
Employer

APPEAL 21A-UI-02451-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On December 4, 2020, Vibrant LLC (employer/appellant) filed an appeal from the November 9, 2020, reference 09, statement of charges for the third quarter of 2020. Before a hearing was held, Iowa Workforce Development (IWD) credited the employer's account on the fourth quarter statement of charges. The credit made the issue of whether the protested was timely filed moot. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the February 9, 2021, statement of charges for the fourth quarter of 2020), no testimony was necessary and no hearing was scheduled or held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The charges to the employer's account were credited in the fourth quarter of 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal as moot.

Iowa Admin. Code r. 871-26.8(1) provides:

Withdrawals, dismissals, and postponements.

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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.

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). As the agency has credited the employer for the prior charges, the issue of timeliness of protest is moot and there is no issue for the administrative law judge to adjudicate.

DECISION:

The appeal of the November 9, 2020, reference 09, statement of charges is dismissed as moot.

A handwritten signature in blue ink that reads "Stephanie R Callahan" with a long horizontal flourish extending to the right.

Stephanie R. Callahan
Administrative Law Judge

March 9, 2021
Decision Dated and Mailed

src/lj