

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
eab.iowa.gov**

BILLIELEAH K GRAY

Claimant

: **APPEAL NUMBER: 24B-UI-06617**
: **ALJ HEARING NUMBER: 24A-UI-06617**

and

:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**

MERCY HEALTH SVCS IOWA CORP

Employer

:
:
:

D E C I S I O N

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Employment Appeal Board **DISMISSES** this appeal as moot, for the reasons set forth below.

FINDINGS OF FACT:

Billileah K Gray (Claimant) filed a claim for unemployment insurance benefits with an effective date of April 14, 2024. The notice of claim was provided to Mercy Health Services-Iowa Corp (Employer) in the State Information Data Exchange System (SIDES) with an e-mail alert on April 17, 2024. The Benefits Bureau of Iowa Workforce Development did not issue a decision finding the Employer's protest was untimely. On May 16, 2024, the Benefits Bureau of Iowa Workforce Development issued a decision finding the Claimant eligible for benefits based on her availability for work. On July 15, 2024, Iowa Workforce Development mailed a Notice of Reimbursable Benefit Charges to the Employer. The Notice contained charges for the Claimant's unemployment insurance benefits. On July 22, 2024, the Employer filed a timely appeal of the Notice of Reimbursable Charges, although what the Employer really intended to do was contest the Claimant's receipt of benefits based on her separation from employment, which it contends disqualifies the Claimant from receiving benefits.

On August 7, 2024, the Benefits Bureau of Iowa Workforce Development held a factfinding interview regarding the Claimant's separation from employment. On August 8, 2024, the Benefits Bureau issued a reference 03 decision disqualifying the Claimant from receiving unemployment insurance benefits based on her separation from employment with this Employer. The Claimant appealed the decision. An administrative law judge held a hearing and issued a decision on August 30, 2024, affirming the decision that the Claimant was disqualified from receiving unemployment insurance benefits based on her separation from employment. The Benefits Bureau of Iowa Workforce Development has not yet issued an overpayment decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6(2) provides, in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

Iowa Code section 96.7(8)(b) provides:

(4) The amount due specified in a bill from the department is conclusive unless, not later than fifteen days following the date the bill was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, within thirty days after the mailing of the notification, the nonprofit organization appeals to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing, and the employer and the individual shall receive notice of the time and place of the hearing.

In this case, the Employer filed a timely appeal of the Notice of Reimbursable Charges, simply to contest the Claimant's unemployment insurance benefits based on her separation from employment. There is no evidence in the record indicating the Employer failed to file a timely protest.

Since filing a timely appeal of the Notice of Reimbursable Charges, Iowa Workforce Development issued a decision disqualifying the Claimant from receiving unemployment insurance benefits based on her separation from employment.

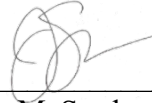
Iowa Admin. Code r. 871-26.8(1) states, in part, "[a]n appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor." Generally, courts and administrative tribunals do not decide issues when the underlying 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).

Because a separation decision has now been issued in the Employer's favor, and that is all the Employer was seeking in its appeal of the Notice of Reimbursable Charges, the issue on appeal of this decision is moot and the appeal should be dismissed.

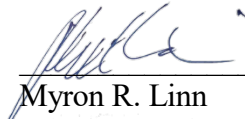
DECISION:

The appeal of the administrative law judge's decision dated August 12, 2024, is **DISMISSED** as moot. The Employment Appeal Board concludes that the Employer filed a timely appeal to the Notice of Reimbursable Charges, but that the controversy is now moot as Iowa Workforce Development has now issued a decision disqualifying the Claimant from receiving unemployment insurance benefits based on her separation from

employment. Therefore, this appeal is dismissed. This matter is **REMANDED** to Iowa Workforce Development for a determination of whether the Claimant has been overpaid unemployment insurance benefits, and if so, whether a credit should appear on the Employer's next Notice of Reimbursable Charges.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans

CAL/mes
DATED AND MAILED SEPTEMBER 20, 2024