

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TRENTON L RIPPERGER
Claimant

APPEAL 22A-UI-10250-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHILDBERG CONST CO INC
Employer

OC: 12/27/20
Claimant: Respondent (6)

Iowa Code § 96.7(2)a(6) – Statement of Charges
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Appeal Dismissal

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the February 9, 2022 statement of charges for the fourth quarter of 2021 that charges benefits of \$986.00 to its account. Iowa Workforce Development (IWD) Appeals Bureau docketed the appeal and scheduled a hearing for June 7, 2022 at 3:00 p.m. On May 4, 2022, IWD Benefits Bureau issued a decision finding that the claimant was eligible for benefits and that the employer’s account would not be charged for benefits paid because the claimant had earned ten times his weekly benefit amount since the separation from employment. As such, the appeal to the statement of charges is moot and shall be dismissed due to subsequent agency action.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The available information in the department’s administrative file establishes the following facts: The department issued a statement of charges dated February 2, 2022 for the fourth quarter of 2021 charges. The benefits bureau then issued a decision on May 4, 2022 (reference 03) finding that the employer’s account would not be charged for benefits paid as the claimant had earned ten times his weekly-benefit amount since the separation from employment. As such, the appeal to the statement of charges is moot as the charges should be credited back to the employer during the first quarter 2022 statement.

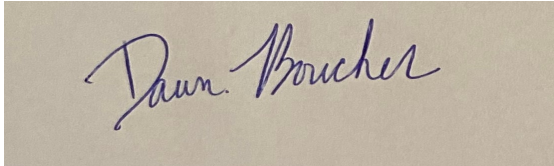
REASONING AND CONCLUSIONS OF LAW:

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). The appeal in this case is moot as the decision dated May 4, 2022 (reference 03) has found that the employer's account shall not be charged for benefits paid as subsequent agency action. The appeal shall be dismissed as moot.

DECISION:

The appeal from the statement of charges date February 9, 2022 for the fourth quarter of 2021 is dismissed as moot. The hearing scheduled for June 7, 2022 is cancelled.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style on a light-colored, textured background.

Dawn Boucher
Administrative Law Judge

June 28, 2022
Decision Dated and Mailed

db/db