

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

STACY A SMITH
Claimant

APPEAL NO: 18A-UI-05342-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK TRIP INC
Employer

OC: 04/08/18
Claimant: Respondent (6)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions
Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer, Kwik Trip Inc., filed an appeal from the April 26, 2018, (reference 04) unemployment insurance decision that allowed benefits based upon the claimant's March 25, 2018 separation. After due notice, a telephone hearing was held on May 29, 2018. The hearing was held jointly with Appeal 18A-UI-05341-JC-T. The claimant participated personally. The employer participated through Rachelle "Chelle" Powers, district leader. Department Exhibit D-1 and Claimant Exhibits A-M were admitted into evidence.

This decision made the issues on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUES:

Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits with an effective date of April 8, 2018. On April 26, 2018, an initial (reference 01) decision was rendered concluding the claimant was allowed benefits based upon her March 25, 2018 separation with this employer. On April 26, 2018, a second decision (reference 04) was rendered by the same representative concluding that the claimant was allowed benefits based upon her March 25, 2018 separation with this employer.

The issues listed and dates of separation are mirrored in both decisions, and both decisions allowed benefits based on an involuntary separation with this employer. The reference 04

decision did not indicate it was to amend or replace the reference 01 decision, or that the reference 01 decision was issued in error and is now declared null and void. The employer timely appealed both of the decisions and a hearing was conducted in response (See Appeal 18A-UI-05341-JC-T).

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein, and concludes that the appeal should be dismissed.

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)

Inasmuch as the claimant's March 25, 2018 separation from this employer has been adjudicated through the reference 01 initial decision and subsequent hearing (Appeal 18A-UI-05341-JC-T), the issue on appeal from the reference 04 initial decision is moot.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated April 26, 2018, (reference 04), is approved. The decision issued April 26, 2018, (reference 01), is affirmed. (See Appeal 18A-UI-05341-JC-T). This appeal is dismissed as moot.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn