

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MANDY R HERRICK
Claimant

WALMART INC.
Employer

APPEAL 21A-UI-24299-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/05/21
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.1A(37) – Total, Partial, and Temporary Unemployment
Iowa Code § 96.7(2)(A)(2) – Subject to Charge
Iowa Admin. Code r. 871—24.23(26) – Same Hours and Wages
Iowa Code § 96.6(2) – Timeliness of Appeals
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871—24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant, Mandy R. Herrick, filed an appeal from the unemployment insurance decision dated October 12, 2021 (reference 02), that she was not eligible for unemployment insurance benefits as of September 5, 2021, because she was still employed at the same hours and wages as contemplated in the contract of hire. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated November 3, 2021 (reference 03), that stated the reference 02 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was held.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to the parties and the claimant's appeal: The claimant/appellant, Mandy R. Herrick, filed an appeal from the October 12, 2021 (reference 02) Iowa Workforce Development (IWD) unemployment insurance decision that denied benefits. A hearing was scheduled to be conducted on December 27, 2021 at 9:00 a.m. Prior to the hearing date, Iowa Workforce Development issued a second decision, dated November 3, 2021 (reference 03) which stated the reference 02 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary.

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 decision appealed was amended making this appeal moot. The appeal of the original representative’s decision dated October 12, 2021 (reference 02) is dismissed as moot.

The hearing scheduled for 9:00 a.m. on December 27, 2021, is cancelled.

DECISION:

The appeal of the unemployment insurance decision dated October 12, 2021 (reference 02) is dismissed as moot.



Alexis D. Rowe
Administrative Law Judge

January 25, 2022
Decision Dated and Mailed

ar/mh