

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**RANDY W JOHNSON**  
Claimant

**AMCOR FLEXIBLES NORTH AMERICA INC**  
Employer

**APPEAL 24A-UI-04963-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/21/24  
Claimant: Appellant (6)**

---

Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

**STATEMENT OF THE CASE:**

Randy W. Johnson, claimant/appellant,<sup>1</sup> appealed the Iowa Workforce Development (IWD) May 15, 2024 (reference 01) unemployment insurance (UI) decision. IWD denied Mr. Johnson REGULAR (state) UI benefits as of April 21, 2024 because IWD concluded he was still employed in his job in the same way he had been before he applied for UI benefits, so he is not partially unemployed. On May 23, 2024, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Johnson and the employer for a telephone hearing scheduled for June 10, 2024 at 1:00 p.m.

Before the scheduled hearing, IWD backdated Mr. Johnson's claim from April 21, 2024 to April 14, 2024, and paid him UI benefits for the week of April 14-20, 2024. The administrative law judge did not hold a hearing because there is sufficient information in the Department's Exhibits and Mr. Johnson's appeal letter (Claimant's Exhibit A) to resolve the appeal without testimony. The administrative law judge admitted Department's Exhibits 1-3 and Claimant's Exhibit A as evidence.

The administrative law judge concludes Mr. Johnson's appeal is moot, since he is now eligible for UI benefits as of April 14, 2024 and IWD paid him UI benefits for the week of April 14-20.

The hearing scheduled for June 10, 2024 at 1:00 p.m. is CANCELLED.

**ISSUES:**

Should IWD's most recent UI decision be affirmed?  
Should Mr. Johnson's appeal be dismissed as moot?

**FINDINGS OF FACT:**

These findings of fact are based on Department's Exhibits 1-3, and Claimant's Exhibit A. Mr. Johnson applied for UI benefits. IWD set his original claim date as Sunday, April 21, 2024. On

---

<sup>1</sup> Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

May 15, 2024, IWD mailed Mr. Johnson a reference 01 UI decision denying him REGULAR (state) UI benefits as of April 21, 2024 because IWD concluded Mr. Johnson was still employed in his job in the same way he had been before he applied for UI benefits, so he is not partially unemployed.

Mr. Johnson appealed this decision on May 22. Mr. Johnson explained that he applied for UI benefits on Saturday, April 13 because the employer was going to temporarily lay him off Tuesday, April 16 through Sunday, April 21. Mr. Johnson further explained that he filed a weekly UI claim on April 21 to receive UI benefits for the time he was on layoff, and he returned to work after the layoff.

On May 29, IWD informed the DIAL, UI Appeals Bureau that IWD backdated Mr. Johnson's UI claim from Sunday, April 21, 2024 to Sunday, April 14, 2024. Department's Exhibit 3 shows that on May 31 IWD paid Mr. Johnson UI benefits for the week of April 14-20.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Johnson's appeal is moot.

Generally, courts and administrative tribunals do not decide issues or cases when the underlying issue or case is moot.<sup>2</sup> "An issue or case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent."<sup>3</sup> This means an issue or case is moot if the issue or case has been resolved and there is nothing left to be decided in an appeal.

The issue Mr. Johnson wanted to be addressed in this appeal is whether he is eligible for UI benefits during the time he was on layoff. IWD's backdating of Mr. Johnson's UI claim to April 14, 2024, and paying Mr. Johnson UI benefits for the week of April 14-20, 2024 settled this issue in Mr. Johnson's favor. Since Mr. Johnson returned to work after the layoff, the May 15, 2024 (reference 01) UI decision is correct. So, there is no issue for the administrative law judge to decide.

Mr. Johnson's appeal is moot and May 15, 2024 (reference 01) UI decision stays in place. This means Mr. Johnson is eligible for the week of April 14-20 due to the employer laying him off, and he is not eligible for UI benefits as of Sunday, April 21, the week he returned to work after the layoff.

---

<sup>2</sup> *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005).

<sup>3</sup> *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983).

**DECISION:**

Mr. Johnson's appeal of the May 15, 2024 (reference 01) UI decision is DISMISSED AS MOOT.

The hearing scheduled for June 10, 2024 at 1:00 p.m. is CANCELLED.



---

Daniel Zeno  
Administrative Law Judge

June 12, 2024  
Decision Dated and Mailed

scn

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines IA 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines IA 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.