

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARGARET A MEEKER

Claimant

APPEAL 20A-UI-14623-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCH DIST

Employer

OC: 03/15/20

Claimant: Respondent (6)

Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer/appellant, Davenport Community School District, filed an appeal from the July 13, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. A hearing was scheduled to be conducted on January 13, 2021 at 9:00 a.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the employer/appellant, dated July 17, 2020 (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 and the hearing scheduled for January 13, 2021 is cancelled.

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 employer’s appeal. The employer appealed a reference 02 decision dated July 13, 2020 which allowed benefits to the claimant effective June 7, 2020. IWD then issued a subsequent decision dated July 17, 2020 (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. This subsequent agency decision resolved the only issue on appeal in the claimant’s favor, making the appeal moot. (Neither party appealed the reference 03 decision.)

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 in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated July 13, 2020 (reference 02) is dismissed as moot. There are currently no outstanding appeals. The hearing scheduled for January 13, 2021 at 9:00 a.m. is canceled.

DECISION:

The appeal of the unemployment insurance decision dated July 13, 2020 (reference 02) is dismissed as moot. The reference 03 initial decision dated July 17, 2020 is affirmed and remains in effect.

The hearing scheduled for January 13, 2021 at 9:00 a.m. is canceled.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

January 29, 2021
Decision Dated and Mailed

jlb/ol

NOTE TO CLAIMANT:

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at: www.iowaworkforcedevelopment.gov/pua-information

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