

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEAN A RICKENBAUGH
Claimant

O'REILLY AUTOMOTIVE INC
Employer

APPEAL 21A-UI-12999-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/04/21
Claimant: Respondent (6)

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification
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
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On May 28, 2021, O'Reilly Automotive Inc., (employer/appellant) filed an appeal from the unemployment insurance decision dated May 24, 2021, reference 02, which allowed Dean A. Rickabaugh (claimant) to receive benefits, and also relieved the employer's account of charges. The appeal was set up in error, as the decision is favorable to the claimant and employer, and the issues on appeal moot. Because the appeal was set up error, no testimony was necessary and no hearing was held.

ISSUE:

Should the appeal be dismissed because the appeal was set up in error?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed allows the claimant to receive benefits and relieves the employer's account of charges. Neither party is aggrieved by the decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal as moot.

Iowa Admin. Code r. 871-26.8(1) provides:

Withdrawals, dismissals, and postponements.

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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). As the agency allowed the claimant to receive benefits and the employer's account is not being charged, there are no issues for the administrative law judge to adjudicate.

The hearing scheduled for August 3, 2021 is cancelled.

DECISION:

The appeal of the unemployment insurance decision dated May 24, 2021, reference 02 is dismissed as moot.



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

August 6, 2021
Decision Dated and Mailed

jlb/kmj