

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PETRA L MAIER
Claimant

APPEAL 21A-UI-03602-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAWKEYE COMMUNITY COLLEGE
Employer

OC: 05/31/20
Claimant: Respondent (1)

Iowa Code § 96.19(38) – Total and Partial Unemployment
Iowa Admin. Code r. 871-24.23(26) – Same Hours and Wages
Iowa Code §96.4(3) – Able to and Available for Work
Iowa Code §96.4(5) – Reasonable Assurance
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

Hawkeye Community College, the employer/appellant, filed an appeal from the January 20, 2021 (reference 01) unemployment insurance decision that allowed benefits and charged the employer's account. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the employer on March 9, 2021 (reference 02), stating that no charges will be made to the employer's account for benefits paid. The decision also concluded that Ms. Maier remains eligible for benefits. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the employer's appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to the employer and their appeal. An unemployment insurance decision dated January 20, 2021 (reference 01), determined that Ms. Maier was eligible for unemployment insurance benefits and the employer's account would be charged. The employer appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the employer, dated March 9, 2021 (reference 02), stating that no charges will be made to the employer's account for benefits paid and Ms. Maier remains eligible for benefits. This decision resolved the only issue on appeal in the employer's favor, making the appeal moot.

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 Dept.*, 335 N.W.2d 439, 442 (Iowa 1983)

The decision appealed was amended in favor of the employer/appellant, making this appeal moot. The appeal of the original representative’s decision dated January 20, 2021 (reference 01) is dismissed. The most recent decision dated March 9, 2021 (reference 02) is affirmed.

DECISION:

The appeal is dismissed as moot. The January 20, 2021 (reference 01) unemployment insurance decision is affirmed.



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

March 12, 2021
Decision Dated and Mailed

dz/scn