

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321-1270  
eab.iowa.gov**

---

**THOMAS R PURCELL**

Claimant

and

**CASEY'S MARKETING COMPANY**

Employer

: **APPEAL NUMBER: 24B-UI-03469**  
: **ALJ HEARING NUMBER: 24A-UI-03469**  
:  
: **EMPLOYMENT APPEAL BOARD**  
: **DECISION**  
:  
:  
:

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.4-3 96.1A**

**DECISION**

**FINDINGS OF FACT:**

The administrative law judge (“ALJ”) issued a decision on May 6, 2024. The decision found the Claimant was not eligible for benefits effective February 4, 2024, the date the Claimant opened his claim for unemployment insurance benefits. The ALJ determined the Claimant was still employed in the same hours and wages as contemplated at the time of hire and not eligible for partial unemployment insurance benefits. The ALJ took official notice of the administrative record which shows the Claimant did not start filing claims for benefits until April 2024.

The administrative record further shows that on April 5, Iowa Workforce Development (“IWD”) determined Thomas Purcell (“Claimant”) was eligible for benefits effective March 3, 2024, in the reference 02 decision. IWD determined the Claimant was not employed in the same hours and wages as contemplated at the time of hire and allowed partial unemployment benefits while relieving Casey’s Marketing Company (“Employer”) from charges to its account. On May 15, IWD issued a subsequent identical decision allowing benefits effective April 14, in the reference 03 decision. Neither party has appealed those decisions and they have become final agency action.

On May 13, the Claimant appealed the May 6 decision of the ALJ to the Employment Appeal Board (“EAB”). The EAB reviewed the file and determined that they are only responsible for determining the Claimant’s eligibility for benefits from February 4 through March 3, which is a timeframe that the Claimant did not file any claims for unemployment insurance benefits.

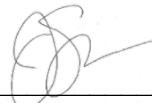
**REASONING AND CONCLUSIONS OF LAW:**

Pursuant to 486 IAC 3.1(2), "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the employment appeal board . . . ." The EAB interprets an aggrieved person to be one who receives an unfavorable decision from the ALJ or for whom obtaining unemployment is benefits is possible. Additionally, 871 IAC 26.8(1) states, in part, "[a]n 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).

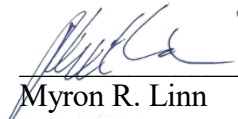
In this case, the Claimant did not file weekly claims from February 4 through March 3, the timeframe over which the EAB has jurisdiction based on this appeal. Even if the EAB found he was partially unemployed, the Claimant would still not get benefits because he did not file claims requesting benefits during that time. Therefore, the issues of whether he was partially unemployed or able to and available for work are moot as the Claimant is not aggrieved by the decision on appeal.

**DECISION:**

The Claimant's appeal is **DISMISSED**. The decision of the administrative law judge remains in full force and effect.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans

SRC/mes

DATED AND MAILED JUNE 20, 2024