

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BOBBYE L WEBB**

Claimant

**APPEAL 19A-UI-01024-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPIRIT HOMECARE LLC**

Employer

**OC: 05/27/18**

**Claimant: Appellant (6)**

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Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal  
Iowa Code § 96.3(5) – Benefit Duration - Business Closing  
Iowa Admin. Code r. 871-24.29(1) and (2) – Business Closing

**STATEMENT OF THE CASE:**

Bobbie L. Webb (appellant) filed a timely appeal from the January 29, 2019, reference 03, unemployment insurance decision that denied the request to redetermine the claim based upon a business closure. After due notice was issued, a hearing was scheduled to be held on February 20, 2019. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor by the unemployment insurance decision dated February 18, 2019, reference 04, no testimony was necessary and no hearing was held.

**ISSUE:**

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The agency amended the decision appealed in favor of the appellant in the unemployment insurance decision dated February 18, 2019, reference 04.

**REASONING AND CONCLUSIONS OF LAW:**

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

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law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). The decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original unemployment insurance decision dated January 29, 2019, reference 03, is dismissed.

**DECISION:**

The appeal of the January 29, 2019, reference 03, unemployment insurance decision is dismissed as moot. The issue has been administratively resolved.

The hearing scheduled on February 20, 2019 at 2:00 p.m. is cancelled.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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