

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARCI METZGER**

Claimant

**APPEAL 21A-UI-10934-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAVENPORT FARM & FLEET INC**

Employer

**OC: 02/28/21**

**Claimant: Respondent (6)**

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Iowa Admin. Code r. 871-24.27 – Voluntary Quitting  
Iowa Code 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-26.8(1) – Dismissal

**STATEMENT OF THE CASE:**

On April 5, 2021, Davenport Farm & Fleet Inc. (employer/appellant) filed an appeal from the unemployment insurance decision dated March 24, 2021 (reference 02) that determined claimant was eligible for benefits and that employer would not be charged for benefits paid.

A hearing was set for July 6, 2021 at 8 a.m. Prior to the hearing, the undersigned reviewed the administrative record and determined no hearing need be held because the decision appealed was favorable to the appellant.

**ISSUE:**

Should the appeal be dismissed because it is favorable to the appellant?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The decision appealed is favorable to the appellant in that employer will not be charged for benefits paid.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 there is no controversy. Because the decision appealed allowed benefits without charge to employer, the administrative law judge finds the decision is favorable to appellant and as such there is no controversy. The appeal is therefore dismissed.

**DECISION:**

The appeal of the decision dated March 24, 2021 (reference 02) that determined claimant was eligible for benefits and that employer would not be charged for benefits paid is **DISMISSED**, as it is favorable to the appellant.

The hearing set for July 6, 2021 at 8 a.m. is **CANCELLED**.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

June 25, 2021  
Decision Dated and Mailed

abd/scn