

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BETH V ROTTINGHAUS**

Claimant

**APPEAL 19A-UI-01695-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**USDA/EQUIFAX**

Employer

**OC: 01/06/19**

**Claimant: Respondent (6-R)**

Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.8(1) - Dismissal  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(26) – Availability Disqualifications Same Hours and Wages  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

USDA (employer/appellant) filed an appeal from the unemployment insurance decision dated February 15, 2019, reference 01, based on its contention that it had never employed Beth V. Rottinghaus (claimant). Before a hearing was scheduled, Iowa Workforce Development (IWD) issued a new decision dated February 26, 2019, reference 03, amending the prior decision stating the prior decision was issued in error and is null and void. The new 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 appeal be dismissed as moot?

**FINDINGS OF FACT:**

These findings of fact are based on the pertinent agency documents relating to this claimant and her appeal. An unemployment insurance decision dated February 15, 2019, reference 01, determined that the claimant was not eligible for unemployment insurance benefits as of January 6, 2019, because she was still employed in the same wages and hours. The employer appealed this decision stating it had never employed the claimant. Before a hearing was scheduled, IWD issued an amended decision, dated February 26, 2019, reference 03, stating that the prior decision was issued in error and is null and void. The new decision made the issue on appeal moot.

The agency has determined the claimant was not employed by this employer. The administrative record shows the claimant has recently worked for Natl Assoc of State Depts (employer number 082387). The issue of whether the claimant is qualified for unemployment insurance benefits based on the separation from this employer has not yet been investigated or adjudicated by the Benefits Bureau of IWD.

### **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). The decision appealed was issued in error and declared null and void, making this appeal moot.

The issue of whether the claimant is qualified for unemployment insurance benefits based on the separation from Natl Assoc of State Depts (employer number 082387) is remanded to the Benefits Bureau of IWD for a fact-finding interview and unemployment insurance decision.

### **DECISION:**

The appeal of the unemployment insurance decision dated February 15, 2019, reference 01, is dismissed as moot. The decision was issued in error and has been declared null and void.

**REMAND:**

The issue of whether the claimant is qualified for unemployment insurance benefits based on the separation from Natl Assoc of State Depts (employer number 082387) is remanded to the Benefits Bureau of IWD for a fact-finding interview and unemployment insurance decision.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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