IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

ASHLEY N CRAWFORD Claimant	**APPEAL 20A-UI-04161-S1-T** **ADMINISTRATIVE LAW JUDGE DECISION**
LUTHER CARE SERVICES/HOMES FOR Employer	
	OC: 11/03/13 **Claimant: Respondent (6)**

Iowa Admin. Code r. 871-26.11 – Motions
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act

STATEMENT OF THE CASE:

An appeal was filed by the employer and the department attributed it to the November 22, 2013, reference 01 decision that denied the claimant unemployment insurance benefits. Prior to the hearing being scheduled, it was determined that the employer did not intend to appeal this representative's decision that was favorable to the employer. The appeal of this decision was mistakenly set up in error.

ISSUE:

The issue is whether the appeal should be dismissed due to agency error.
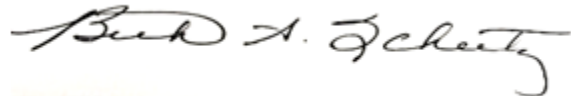
FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer intended to appeal an unfavorable decision rather than the decision dated November 22, 2013, reference 01. This appeal from the decision dated November 22, 2013, reference 01, should be dismissed, as this appeal was set up in error.

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 Dep't*, 335 N.W.2d 439, 442 (Iowa 1983). The appeal of the original representative's decision dated November 22, 2013 (reference 01) is dismissed because of agency error.

DECISION:

The representative's November 22, 2013, decision (reference 01) is approved. The appeal of that decision is dismissed.

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Beth A. Scheetz
Administrative Law Judge

__July 1, 2020_____
Decision Dated and Mailed

bas/mh