

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MOLLIECLAIRE DEGUC
Claimant

SPIRIT HOMECARE LLC
Employer

APPEAL 19A-UI-01260-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/27/19
Claimant: APPELLANT (2)

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the February 6, 2019, (reference 01) unemployment insurance decision that denied recalculation of her unemployment insurance benefits due to a business closing. After due notice was issued, a hearing was scheduled to be held on February 28, 2019. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 02 representative's decision), no testimony was necessary and no hearing was held.

ISSUE:

Should the representative's decision be reversed so as to be consistent with subsequent agency action?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 02 representative's decision. Claimant is eligible for benefit recalculation due to a business closure.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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).

Since the decision appealed has been amended in favor of the appellant, the original representative's decision bearing reference 01 is reversed.

DECISION:

The February 6, 2019, (reference 01) unemployment insurance decision is reversed. Benefit recalculation due to a business closure is allowed. The hearing scheduled for February 28, 2019 is cancelled.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/scn