

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

ALEXIS C ANDERSON
Claimant

IAFIT MANAGEMENT LLC
Employer

APPEAL 23A-UI-10748-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/30/23
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act

STATEMENT OF THE CASE:

The Iowa Department of Inspections and Appeals (DIA) UI Appeals Bureau set up an appeal for the August 9, 2023 Statement of Charges for the Second Quarter of 2023. The Statement listed charges of \$1,748.55 to the employer's account for UI benefits IWD paid to Ms. Anderson. The undersigned administrative law judge issued an Administrative Law Judge Decision on October 17, 2023 in Appeal 23A-UI-09232-DZ-T addressing an appeal by this same employer of this same Statement.

ISSUES:

Should this appeal be dismissed as being set up in error?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: On September 28, 2023, the employer appealed the August 9, 2023 Statement of Charges for the Second Quarter of 2023. The Statement listed charges of \$1,748.55 to the employer's account for UI benefits IWD paid to Ms. Anderson. On October 2, 2023, the Iowa Department of Inspections, Appeals and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to the employer, Ms. Anderson, and IWD for a telephone hearing scheduled for October 16, 2023. The employer did not participate in the hearing. The administrative law judge issued an Administrative Law Judge Decision on October 17, 2023 in Appeal 23A-UI-09232-DZ-T dismissing the employer's appeal.

The employer received another Statement of Charges listing charges to the employer's account for UI benefits IWD paid to Ms. Anderson. This Statement is dated November 9, 2023 and lists charges of \$800.15 to the employer's account for UI benefits IWD paid to Ms. Anderson. The employer appealed online on November 16, 2023.

The DIAL UI Appeals Bureau set up this appeal for the August 9, 2023 Statement. The DIAL UI Appeals Bureau also set up another appeal – 23A-UI-10749-DZ-T – for the November 9, 2023

Statement. The DIAL, UI Appeals Bureau mistakenly set up the appeal for the August 9, 2023 Statement since the administrative law judge already issued an Administrative Law Judge Decision addressing the employer's appeal of this Statement.

REASONING AND CONCLUSIONS OF LAW:

Generally, courts and administrative tribunals do not decide issues or cases when the underlying issue or case is moot.¹ "An issue or case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent."² That means an issue or case is moot if the issue or case has been resolved and there is nothing left to be decided in an appeal.

The October 17, 2023 Administrative Law Judge Decision in Appeal 23A-UI-09232-DZ-T already addressed the employer's appeal of the August 9, 2023 Statement. The employer's appeal is moot. This appeal was set up in error and it should be dismissed.

DECISION:

This appeal was set up in error. This appeal is DISMISSED.



Daniel Zeno
Administrative Law Judge

December 6, 2023
Decision Dated and Mailed

DZ/jkb

¹ *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005).

² *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983).

APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.