

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

ERIC C DAVIS
Claimant

APPEAL NO: 18A-UI-07407-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BARILLA AMERICA INC
Employer

OC: 06/17/18
Claimant: Respondent (4R)

Iowa Admin. Code r. 871-23.19 – Employer/Employee Relationship

STATEMENT OF THE CASE:

The employer filed an appeal from the July 10, 2018, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 27, 2018. The claimant participated. The employer participated through Piper Richardson, human resources generalist. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant work for this employer?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The record reflects and the parties agree claimant has never worked for this employer (Barilla America Inc.) and has no wage records with this employer but the employer account number was entered incorrectly into the claim. Rather he worked for this business through a temporary employment agency, XPO Logistics. The claimant's June 13, 2018 separation from that employer has not yet been determined by the IWD Benefits Bureau.

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 administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be modified without prejudice to either party because claimant never performed services for this business entity either as an employee or as an independent contractor. Iowa Admin. Code r. 871-23.19.

DECISION:

The July 10, 2018, (reference 01) unemployment insurance decision is modified without prejudice to either party as claimant never worked for this business entity.

REMAND: The separation issue related to the actual employer, XPO Logistics, is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination, with notice and appeal rights to both parties.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs