

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KERRI D JONES
Claimant

FAIRFIELD BUSINESS CENTER INC
Employer

APPEAL 21A-UI-10257-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/27/20
Claimant: Appellant (6)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) – Dismissal

STATEMENT OF THE CASE:

On April 12, 2021, Kerri D. Jones (claimant) filed an appeal from the April 9, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Fairfield Business Center, Inc. (employer) and failed to show she left with good cause attributable to the employer. Before a hearing was held, Iowa Workforce Development (IWD) issued the April 14, 2021, reference 03, unemployment insurance decision amending the appealed decision and making the original decision null and void. The parties were properly notified about the hearing held by telephone on June 28, 2021, and consolidated with the hearings for appeals 21A-UI-10258-SC-T, 21A-UI-10261-SC-T, and 21A-UI-10264-SC-T. The claimant participated personally. The employer participated through Marjorie Wood, Manager/Owner. No exhibits were offered into the record.

ISSUE:

Should the appeal be dismissed because the decision appealed has been amended and rendered null and void?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended by the reference 03 unemployment insurance decision and rendered null and void. The qualification issue in the reference 03 decision was addressed in the administrative law judge's decision for appeal 21A-UI-10261-SC-T.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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). As the agency amended the decision prior to the hearing rendering this decision null and void, and the qualification issue was addressed on appeal in another decision, there is no issue for the administrative law judge to adjudicate.

DECISION:

The appeal of the unemployment insurance decision dated April 9, 2021, reference 01, is dismissed as moot.



Stephanie R. Callahan
Administrative Law Judge

July 9, 2021
Decision Dated and Mailed

src/mh