

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KHATIJA J MILLS**

Claimant

**APPEAL 20A-UI-11876-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS ENTERPRISES INC**

Employer

**OC: 05/24/20**

**Claimant: Respondent (6)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Admin. Code r. 871-24.10 – Employer Participation Fact-Finding Interview  
Public Law 116-136 § 2104(b) – Federal Pandemic Unemployment Compensation  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-26.8(1) - Dismissal

**STATEMENT OF THE CASE:**

On September 25, 2020, Wells Enterprises, Inc. (employer/appellant) filed an appeal from the unemployment insurance decision dated September 17, 2020, reference 04, which allowed the claimant benefits based on other wages with other employers and removed the wages earned from this employer from the claim. Because the decision appealed is in the appellant's favor no testimony was necessary and no hearing was held.

**ISSUE:**

Should the appeal be dismissed as moot because the decision is in the appellant's favor?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision issued found the claimant was discharged from part-time employment with this employer, but had enough wages credits in her base period with other employers to be eligible for benefits. The decision removed the wage credits the claimant earned with this employer from the claimant's claim, which means the claimant does not get benefits based on those wages and the employer cannot be charged.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 decision appealed finds in the appellant's favor, the appeal is dismissed as moot.

**DECISION:**

The appeal of the unemployment insurance decision dated September 17, 2020, reference 04, is dismissed as moot.



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Stephanie R. Callahan  
Administrative Law Judge

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December 9, 2020  
Decision Dated and Mailed

src/rr