

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINA M DYSON
Claimant

CASEYS MARKETING COMPANY
Employer

APPEAL 21A-UI-15734-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/11/21
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 12, 2021, (reference 03) unemployment insurance decision that denied benefits based on her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was scheduled for September 2, 2021. Before a hearing was held, a favorable decision was issued to the appellant. Therefore, no testimony was necessary. No hearing was held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue of claimant's separation has been administratively resolved in the appellant's favor in unemployment insurance decision dated June 22, 2021 (reference 01) which allowed claimant benefits. That decision has been affirmed on appeal. See 21A-UI-15139-S2-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 resolved the disqualification in favor of the appellant prior to the hearing, there is no issue for the administrative law judge to adjudicate rendering the appeal moot. The prior decision on the separation remains in effect.

DECISION:

The July 12, 2021, (reference 03) unemployment insurance decision is dismissed as it is moot. The issue of separation was adjudicated in a previous decision; the prior decision on the separation remains in effect.



Stephanie Adkisson
Administrative Law Judge
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September 09, 2021
Decision Dated and Mailed

sa/ol