

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAID EURING
Claimant

MLC ENTERPRISES LLC
Employer

APPEAL 21A-UI-00264-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On November 18, 2020, MLC Enterprises, LLC (employer) filed an appeal from the statement of charges dated November 9, 2020, for the third quarter of 2020. Before a hearing was held, Iowa Workforce Development (IWD) issued a favorable decision to the appellant, dated January 29, 2021, reference 02, later amended by the unemployment insurance decision dated February 8, 2021, reference 05, stating that Raid Euring (claimant) is not eligible for unemployment insurance benefits and the employer's account will not be charged. This decision made the issue of whether the employer filed a timely protest or appeal to the statement of charges moot. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 02 and 05 unemployment insurance decisions), no testimony was necessary and 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: If the protest to the appeal and statement of charges had been timely, the resolution would be to remand the separation for a fact-finding interview with the Benefits Bureau. However, an unemployment insurance decision has already been issued following a fact-finding interview on the claimant's self-protesting claim.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

DECISION:

The appeal from the statement of charges dated November 9, 2020, for the third quarter of 2020, is dismissed as moot.

The claimant should note that he has appeal rights to the unemployment insurance decision, if he disagrees with it. Instructions for filing an appeal are found at the bottom and on the back of the decision he received.



Stephanie R. Callahan
Administrative Law Judge

February 18, 2021
Decision Dated and Mailed

src/lj