

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA A CRADDOCK
Claimant

SPIRIT HOMECARE LLC
Employer

APPEAL 19A-UI-01547-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/27/19
Claimant: Appellant (6)

Iowa Code § 96.3(5) – Business Closing
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Appeal Dismissal
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from an unemployment insurance decision dated February 13, 2019 (reference 02). That decision was amended by a decision dated February 18, 2019 (reference 03). As such, the decision dated February 13, 2019 (reference 02) is null and void due to subsequent agency action in amending the decision. The hearing scheduled for March 8, 2019 at 1:00 p.m. is cancelled.

ISSUE:

Should the appeal be dismissed as moot based on subsequent agency action?

FINDINGS OF FACT:

The available information in the Department’s administrative file establishes the following facts: The department issued a decision on February 13, 2019 (reference 02) finding claimant was not laid off due to a business closing. The department later issued a decision on February 18, 2019 (reference 03), amending the February 13, 2019 (reference 02) decision, and finding that claimant was laid off due to a business closing. The decision issued on February 13, 2019 (reference 02) became null and void due to subsequent agency action.

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 only issue on this appeal is now moot because the decision was amended by subsequent agency action.

DECISION:

The appeal of the unemployment insurance decision dated February 13, 2019 (reference 02) is dismissed as moot. The hearing scheduled for March 8, 2019 at 1:00 p.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs