

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY A SCHENSE
Claimant

IAC IOWA CITY LLC
Employer

APPEAL 18A-UI-01968-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/07/18
Claimant: Appellant (6)

Iowa Code § 96.5(5) – Severance Pay
Iowa Code § 96.5(7) – Receipt of Vacation Pay/PTO
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated February 8, 2018, reference 02, that denied unemployment insurance benefits due to receipt of vacation pay. A telephone hearing was scheduled on March 09, 2018 at 9:00 a.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated February 15, 2018, reference 04. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 04 representative's decision), no testimony was necessary and no hearing was held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant/appellant filed an appeal from the unemployment insurance decision dated February 8, 2018, reference 02, denying unemployment insurance benefits due to vacation pay. A telephone hearing was scheduled for this appeal on March 9, 2018, at 9:00 a.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated February 15, 2018, reference 04 and specifically stated that the reference 02 decision was null and void. This most recent decision made the issue on appeal moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

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)

Since the decision appealed has been amended in favor of the appellant (by the reference 04 decision), the appeal for reference 02 decision is moot. The decision issued on February 15, 2018, reference 04, is affirmed.

The hearing for March 9, 2018 at 9:00 a.m. is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated February 8, 2018, reference 02, is approved. The appeal is dismissed as moot. The decision issued on February 15, 2018, reference 04, is affirmed.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn