

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALYSIA GONZALES
Claimant

THE HON COMPANY
Employer

APPEAL 17A-UI-09683-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/20/17
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The HON Company (employer/appellant) filed an appeal from the unemployment insurance decision dated September 11, 2017, reference 01, that allowed Alysia Gonzales (claimant) to receive benefits because she was not discharged for willful or deliberate misconduct. On September 19, 2017, Iowa Workforce Development (IWD) issued an unemployment insurance decision, reference 05, finding the previous decision was null and void as the wrong employer account had been used. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was held.

ISSUES:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant. An unemployment insurance decision dated September 11, 2017, reference 01, determined that the claimant was eligible for unemployment insurance benefits from The HON Company. The employer appealed this decision. Before a hearing was held, IWD issued a decision to the parties, dated September 19, 2017, reference 05, declaring the previous decision null and void due to an error with the employer's name and account number. This decision rendered this appeal moot.

Another unemployment insurance decision was issued on September 22, 2017, reference 02, on the same separation and allowed benefits with the employer identified as Allsteel, Inc., a company associated with The HON Company but with a different employer number. Allsteel,

Inc. appealed that decision on October 2, 2017 and the hearing for that appeal 17A-UI-10030-SC-T is scheduled for October 23, 2017 at 10:00 a.m.

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 decision appealed was later declared null and void, making this appeal moot. The appeal of the original representative’s decision dated September 11, 2017, reference 01, is dismissed.

DECISION:

The appeal of the unemployment insurance decision dated September 11, 2017, reference 01, is dismissed as moot.

The hearing for appeal 17A-UI-10030-SC-T to address the claimant’s separation from Allsteel, Inc. is scheduled for October 23, 2017 at 10:00 a.m. Hearing notices will be mailed to the parties.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn