

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JANELLE SHATAVA**

Claimant

**APPEAL 21A-UI-23688-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**R S STOVER COMPANY**

Employer

**OC: 08/15/21**

**Claimant: Appellant (6)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.6(2) – Timeliness of Appeal  
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:**

Claimant/appeal, Janelle Shatava, filed an appeal from the September 28, 2021 (reference 01) decision that denied benefits based upon claimant separation. After proper notice, a telephone hearing was conducted on December 15, 2021. Claimant participated. Employer participated through John Dawley. Official notice of the administrative records was taken. Department Exhibit 1 was admitted. After the initial decision was issued, IWD issued a reference 05 decision on December 1, 2021, concluding claimant had requalified for benefits, and this employer would not be charged for any benefits. Benefits were allowed effective August 15, 2021. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor, the issue on appeal is moot.

**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 claimant filed an appeal to the reference 01 decision dated September 28, 2021 which denied benefits. The decision appealed has been amended in favor of the appellant by the reference 05 representative's decision dated December 1, 2021. (The administrative law judge would note that the reference 05 decision did not reference amending the reference 01 decision or that it was null and void). The claimant is allowed benefits and this employer is relieved of any charges. This makes the only issue on appeal moot.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the appeal should be dismissed due to favorable, subsequent agency action.

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 tape-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). Subsequent agency action in favor of the appellant made this appeal moot. Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate. The reference 05 decision allowing benefits remains in effect.

**DECISION:**

The appeal of the September 28, 2021, (reference 01) unemployment insurance decision is dismissed. Benefits are allowed provided claimant is otherwise eligible. This employer is not chargeable for any benefits.



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January 20, 2022  
Decision Dated and Mailed

jlb/mh