

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAMES J SAOUR
Claimant

**APPEAL 15A-UI-13760-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/29/15
Claimant: Appellant (6)**

Iowa Admin. Code r. 871-24.2(1)(a) – Filing Claim
Iowa Admin. Code r. 871-24.2(1)(h) – Backdating Claim
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated December 9, 2015 (reference 01). A hearing was scheduled on January 7, 2016 at 9:00 a.m. Shortly before the hearing date, Iowa Workforce Development took action to resolve the issue on this appeal in the claimant's favor. At the time set for the hearing, the claimant/appellant withdrew this appeal on the record.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge takes official notice of the pertinent agency documents relating to this claimant and finds as follows: An unemployment insurance decision dated December 9, 2015, reference 01, denied the claimant's request to backdate his claim. The claimant appealed this decision. On January 7, 2016, at the time set for the hearing in this matter, the claimant, the appealing party, stated that he learned that his claim was backdated and requested to withdraw the appeal on the record.

An unemployment insurance decision was issued on January 12, 2016 (reference 02). This decision stated that the decision issued on December 8, 2015, reference 01, was issued in error and is now null and void. The decision issued on January 12, 2016, reference 02, also stated: "the claim is being backdated to 11-22-15." This decision resolved the only issue on this appeal in the claimant's favor, making the appeal moot.

REASONING AND CONCLUSIONS OF LAW:

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The administrative law judge reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

Furthermore, 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 amended in favor of the appellant, making this appeal moot. The most recent decision, dated January 12, 2016, reference 02, is affirmed.

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated December 9, 2015 (reference 01) is approved. The decision issued on January 12, 2016 (reference 02), which specifically declared the reference 01 decision null and void, shall stand and remain in full force and effect.

Emily Gould Chafa
Administrative Law Judge
Unemployment Insurance Appeals Bureau

Decision Dated and Mailed

ec/pjs