

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELIZABETH T BOHRER

Claimant

IOWA PHYSICIANS CLINIC MEDICAL FO

Employer

APPEAL 20A-UI-04419-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20

Claimant: Appellant (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
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, Elizabeth T. Bohrer, filed an appeal from the May 18, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits based upon the claimant not being able and available for work effective March 22, 2020. A telephone hearing was scheduled to be conducted on June 8, 2020. Before the hearing, a reference 02 decision dated May 19, 2020 was issued, concluding the claimant was able and available for work effective March 22, 2020, and benefits were allowed, provided she was otherwise eligible. That decision has not been appealed at this time and is final. As such, subsequent agency action made this appeal moot.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A decision that disqualified the claimant from receipt of unemployment insurance benefits was mailed to the claimant’s correct address of record on May 18, 2020. The decision denied benefits effective March 22, 2020, stating the claimant was not able and available for work. The claimant appealed this decision.

Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated May 19, 2020 (reference 02) stating that she is eligible for unemployment insurance benefits effective March 22, 2020, as long as she meets all the other eligibility requirements. This subsequent agency decision resolved the only issue on appeal in the claimant’s favor, making the appeal moot.

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).

Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative’s decision dated May 18, 2020 (reference 01) is dismissed as moot. The representative’s decision dated May 19, 2020 (reference 02) is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated May 18, 2020 (reference 01) is dismissed as moot due to subsequent agency action. The decision dated May 19, 2020 (reference 02) remains in effect. The claimant is able and available for work effective March 22, 2020. Benefits are allowed, provided she is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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June 24, 2020
Decision Dated and Mailed

jlb/scn