

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOSEPH A BIRKO**  
Claimant

**IOWAWORKS  
REEMPLOYMENT SERVICES**

**APPEAL 19A-UI-08740-AW-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/04/19  
Claimant: Appellant (6)**

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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:**

Claimant filed an appeal from the November 1, 2019 (reference 02) unemployment insurance decision that denied benefits effective October 27, 2019 because claimant failed to report for an assessment. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the appellant dated November 12, 2019 (reference 03); the decision granted benefits effective October 27, 2019 because claimant has since participated in the assessment. The decision made the issue on appeal moot. Therefore, no testimony or additional evidence is necessary. A telephone hearing is scheduled for December 6, 2019, at 9:00 a.m.

**ISSUE:**

Whether the most recent unemployment insurance decision should be affirmed.  
Whether the appeal should be dismissed as moot.

**FINDINGS OF FACT:**

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. An unemployment insurance decision dated November 1, 2019 (reference 02) determined that the claimant was not eligible for unemployment insurance benefits as of October 27, 2019, because she did not report for an assessment. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a decision dated November 12, 2019 (reference 03) that determined claimant was eligible for unemployment insurance benefits as of October 27, 2019, because she had since participated in the assessment; the latter decision makes the appeal moot. Iowa Workforce Development moved to dismiss the above-captioned appeal.

**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)

Iowa Workforce Development’s decision dated November 12, 2019 (reference 03) makes this appeal moot. The appeal of the original representative’s decision dated November 1, 2019 (reference 02) should be dismissed.

**DECISION:**

The request to dismiss the appeal of the November 1, 2019 (reference 02) unemployment insurance decision is approved. The appeal is dismissed as moot.

The hearing scheduled for December 6, 2019, at 9:00 a.m. is cancelled.

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Decision Dated and Mailed

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