

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOAN S RODIE
Claimant

APPEAL 16A-UI-12374-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/30/16
Claimant: Appellant (6)**

Iowa Code §96.4(4) – Qualifying Wages
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated November 9, 2016, reference 01. This decision determined that she was not eligible for unemployment insurance benefits effective October 30, 2016, because she did not meet the monetary eligibility standards. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated November 21, 2016, reference 02, stating that she is eligible for unemployment insurance benefits effective October 30, 2016, because she met the monetary eligibility standards. This most recent decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. The hearing is canceled.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

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 and his appeal. An unemployment insurance decision dated November 9, 2016, reference 01, determined that the claimant was not eligible for unemployment insurance benefits effective October 30, 2016, because she had not been paid insured wages of at least \$250.00 either during or after the previous benefit year. The claimant appealed this decision. A hearing was scheduled for December 6, 2016 at 2:00 p.m. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated November 21, 2016, reference 02, stating that this claimant is eligible for unemployment insurance benefits effective October 30, 2016, because she was paid insured wages of at least \$250.00 since her previous benefit year in which she received unemployment insurance benefits.

The agency representative asked that the appeal be dismissed. This decision resolved the only issue on this 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)

The decision appealed was amended in favor of the appellant, making this appeal moot. The agency representative requested that the appeal be dismissed, due to its subsequent action. Iowa Admin. Code r. 871-24.19(3). The appeal of the original representative's decision dated November 9, 2016, reference 01, is dismissed. The most recent decision, dated November 21, 2016, reference 02, is affirmed.

DECISION:

The department representative's request to dismiss the appeal of the unemployment insurance decision dated November 9, 2016, reference 01, is approved. The most recent decision, issued on November 21, 2016, reference 02, is affirmed. The appeal is dismissed as moot.

The hearing scheduled on December 6, 2016, at 2:00 p.m. is canceled.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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