

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACOB V VERPLAETSE
Claimant

CITY OF IOWA CITY
Employer

APPEAL 20A-UI-04313-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (6)

Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.4(3) – Able and Available
871 IAC 24.24.23(26) – Same Hours and Wages – Still Employed
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Code § 96.3-7 – Overpayment
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 – Motions

STATEMENT OF THE CASE:

An appeal was filed from the May 19, 2020, reference 01 decision that found the claimant ineligible to receive unemployment insurance benefits as of March 15, 2020. A hearing was scheduled for June 4, 2020. Prior to the hearing being held, it was determined that a hearing was not deemed necessary to be held in order to make a decision for reasons which will appear in the Findings of Fact.

ISSUE:

The issue is whether the appeal should be dismissed due to agency error.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The agency issued a representative's decision dated May 19, 2020, reference 01, finding the claimant ineligible to received unemployment insurance benefits as of March 15, 2020. The decision stated the claimant was still employed and not able and available for work. He was also not partial unemployed.

The agency issued a representative's decision dated May 19, 2020, reference 02, finding the claimant eligible to received unemployment insurance benefits as of March 17, 2020, so long as he meets all other eligibility requirements. The reference 02 decision found the claimant was available for work and on a short-term layoff.

REASONING AND CONCLUSIONS OF LAW:

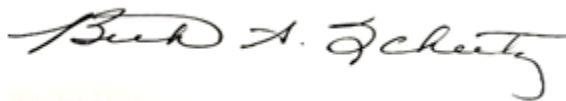
Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot. *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005). “A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent.” *Iowa Bankers Ass’n 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 20, 2020 (reference 01) is dismissed as moot. The hearing scheduled for June 4, 2020, at 1:00 p.m. is cancelled.

DECISION:

The representative’s May 18, 2020 decision (reference 01) is dismissed. The appeal is dismissed as moot.

The hearing scheduled on June 4, 2020, at 1:00 p.m. is cancelled.



Beth A. Scheetz
Administrative Law Judge

June 23, 2020
Decision Dated and Mailed

bas/mh