

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARK DUNAHOO

Claimant

APPEAL 21A-UI-10198-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/04/21

Claimant: Appellant (6)

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
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, Mark Dunahoo, filed an appeal from an unemployment insurance decision dated May 6, 2021 (reference 02), finding claimant was ineligible to receive benefits because claimant failed to report as directed for a reemployment and eligibility assessment.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated June 15, 2021 (reference 03) finding that claimant was eligible for unemployment insurance benefits effective May 2, 2021, because claimant had participated in the reemployment and eligibility assessment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. The hearing scheduled for Friday, June 25, 2021 at 10:00 a.m. is canceled.

ISSUE:

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 May 6, 2021 (reference 02) determined that the claimant was not eligible for unemployment insurance benefits effective May 2, 2021, because claimant failed to report for a reemployment and eligibility assessment. The claimant appealed this decision, and a hearing was scheduled. Subsequently, Iowa Workforce Development issued a favorable decision to the claimant, dated June 15, 2021 (reference 03) stating that claimant is eligible for unemployment insurance benefits effective

May 2, 2018, as long as claimant 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).

The only issue on this appeal is now moot, due to subsequent agency action in favor of the appellant. The appeal of the original representative's decision dated May 6, 2021 (reference 02) is dismissed as moot.

The hearing scheduled for Friday, June 25, 2021 at 10:00 a.m. is canceled.

DECISION:

The appeal of the unemployment insurance decision dated May 6, 2021 (reference 02), is dismissed as moot.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

June 25, 2021
Decision Dated and Mailed

lj/scn