

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KEVIN G OBERENDER**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 15A-UI-11552-EC-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/09/15  
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Reporting Requirements  
Iowa Admin. Code r. 871-24.2(1)e – Re-employment Services  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated October 15, 2015 (reference 02). Before a hearing was scheduled, the department issued another decision, dated October 28, 2015 (reference 03). The department representative submitted a request that the appeal be dismissed, based on the October 28, 2015 (reference 03) decision.

**ISSUE:**

Should the appeal be dismissed?

**FINDINGS OF FACT:**

The administrative law judge finds that: The department issued a decision on October 15, 2015, reference 02, denying benefits as of 10/11/15 and continuing until the claimant reported for a reemployment and eligibility assessment. The claimant appealed this decision in a timely manner. The department then issued a decision on October 28, 2015, reference 03, stating that the claimant is eligible for benefits beginning on 10/11/15. The October 28, 2015, reference 03, decision also stated that the claimant participated in reemployment services as required.

The department representative requested that the appeal be dismissed. The most recent decision, issued on October 28, 2015, reference 03, makes it clear that the only issue on appeal was resolved in the claimant/appellant's favor. The most recent decision resolves the issue on appeal in the claimant/appellant's favor without a gap in his unemployment insurance eligibility.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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 administrative law judge concludes that the request to dismiss the appeal should be approved. The only issue on this appeal is now moot.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated October 15, 2015 (reference 02) is approved. The decision issued on October 28, 2015 (reference 03) is affirmed. The appeal is dismissed as moot.

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Decision Dated and Mailed

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