

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BILLY R VANDERPOOL
Claimant

APPEAL 17A-UI-03959-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/12//17
Claimant: Appellant (6)

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code §96.4(3) – Able and Available to Work
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:

Billy R. Vanderpool (claimant/appellant) filed an appeal from the unemployment insurance decision dated March 14, 2017, reference 05, that he was not eligible for unemployment insurance benefits as of February 12, 2017, because he did not report as directed by a department representative and was not available for work. Before a hearing was scheduled, Iowa Workforce Development (IWD) issued a decision which amended this decision, dated April 5, 2017, reference 08, stating that he was not eligible for unemployment insurance benefits as of March 12, 2017 because he did not report as directed by a department representative and was not available for work. The April 5, 2017, reference 08, decision is the subject of appeal 17A-UI-03960-SC-T. The current appeal is moot as it has been amended by another decision. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

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 March 14, 2017, reference 05, determined that the claimant was not eligible for unemployment insurance benefits as of February 12, 2017, because he did not report as directed by an agency representative. Before a hearing was scheduled, IWD issued an amended decision to the claimant, dated April 5, 2017,

reference 08, stating that he is not eligible for unemployment insurance benefits effective March 12, 2017. The April 5, 2017, reference 08, decision is the subject of appeal 17A-UI-03960-SC-T. That decision and subsequent appeal has rendered this 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 and appealed, making this appeal moot. The appeal of the original representative’s decision dated March 14, 2017, reference 05, is dismissed.

DECISION:

The appeal of the unemployment insurance decision dated March 14, 2017, reference 05, is dismissed as moot.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs