

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIRIAM FLORES

Claimant

APPEAL 19A-UI-06544-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/02/19

Claimant: Appellant (6)

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. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant, Miriam Flores, filed an appeal from an unemployment insurance decision dated August 9, 2019 (reference 02) that determined she was not eligible for benefits effective August 4, 2019 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on September 16, 2019, at 10:00 a.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated August 22, 2019 (reference 03) finding that claimant was eligible for unemployment insurance benefits effective August 4, 2019. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for September 16, 2019 was cancelled.

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 August 9, 2019 (reference 02) determined that the claimant was not eligible for unemployment insurance benefits effective August 4, 2019, because she failed to report for a reemployment and eligibility assessment. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated August 22, 2019 (reference 03) stating that she is eligible for unemployment insurance benefits effective August 4, 2019, as long as she meets all the other eligibility requirements. The agency representative asked that the appeal be dismissed as moot. This subsequent agency decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

It is noted that the claimant's claim is locked due to a decision finding that claimant was discharged from employment with Rembrandt Enterprises Inc. (Appeal No. 19A-UI-05185-LJ-T).

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 August 9, 2019 (reference 02) is dismissed as moot. The hearing scheduled for September 16, 2019, at 10:00 a.m. is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated August 9, 2019 (reference 02) is approved. The appeal is dismissed as moot. The hearing scheduled on September 16, 2019, at 10:00 a.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs