

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TRACY JOHANNES**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 17A-UI-11811-H2T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/10/17**  
**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. 871-26.8(1) – Dismissal of Appeal  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

**STATEMENT OF THE CASE:**

The claimant, Tracy Johannes, filed an appeal from an unemployment insurance decision dated November 7, 2017, (reference 03). Before a hearing was held, the department representative submitted sufficient information to support its request that the appeal be dismissed, due to subsequent agency action which resolved the issue on appeal.

**ISSUE:**

Should the appeal be dismissed as moot based on the department's motion?

**FINDINGS OF FACT:**

The available information in the Department's administrative file establishes the following facts: The department issued a decision on November 7, 2017, (reference 03), denying benefits as of October 29, 2017 and continuing until the claimant reported for a reemployment and eligibility assessment.

The department later issued a decision on November 22, 2017, (reference 05), stating that the claimant is eligible for benefits beginning on October 29, as long as she meets all the other eligibility requirements. The decision issued on November 22, 2017, (reference 05), also stated that the claimant participated in the reemployment and eligibility assessment as required.

The department representative requested that the appeal be dismissed. The most recent decision, issued on November 22, 2017, (reference 05), makes it clear that the only issue on appeal was resolved in the claimant/appellant's favor.

**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). An appeal may be dismissed when the issue on appeal has been resolved in the appellant’s favor. Iowa Admin. Code r. 871-26.8(1).

The request to dismiss the appeal should be approved. The only issue on this appeal is now moot. The claimant is eligible for benefits without a gap in coverage.

**DECISION:**

The department representative’s request to dismiss the appeal of the unemployment insurance decision dated November 7, 2017, (reference 03), is approved. The decision issued on November 22, 2017, (reference 05), is affirmed. The appeal is dismissed as moot.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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