

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER J AMUNDSON
Claimant

APPEAL 19A-UI-07976-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/18/19
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 Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) - Dismissal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

On October 14, 2019, Christopher J. Amundson (claimant/appellant) filed an appeal from the unemployment insurance decision dated October 7, 2019, reference 02, that determined he was not eligible for unemployment insurance benefits as of September 29, 2019, because he failed to report for a reemployment and eligibility assessment. A hearing was scheduled for November 4, 2019 at 1:00 p.m.

Before the hearing was held, Iowa Workforce Development (IWD) issued a favorable decision to the claimant, dated October 21, 2019, reference 03, stating that he is eligible for unemployment insurance benefits effective September 29, 2019 because he participated in the assessment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and no hearing was 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 October 7, 2019, reference 02, determined that the claimant was not eligible for unemployment insurance benefits as of September 29, 2019, because he failed to report for a reemployment and eligibility assessment. The claimant appealed this decision and a hearing was scheduled.

Before the hearing was held, IWD issued a favorable decision to the claimant, dated October 21, 2019, reference 03, stating that he is eligible for unemployment insurance benefits effective September 29, 2019 as long as he meets all the other eligibility requirements. The IWD representative provided a copy of the subsequent decision and asked that the appeal be dismissed. The subsequent decision resolved the only issues on appeal in the claimant's favor, making the appeal moot.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal.

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

Withdrawals, dismissals, and postponements.

(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 an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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). In this case, the decision appealed was reversed in favor of the appellant by subsequent agency action, making this appeal moot. The appeal of the original representative's decision dated October 7, 2019, reference 02, is dismissed.

DECISION:

The appeal of the unemployment insurance decision dated October 7, 2019, reference 02, is dismissed as moot.

The hearing scheduled on November 4, 2019 at 1:00 p.m. is cancelled.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn