

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ESPOIR BYAMUNGU
Claimant

APPEAL 22A-UI-11871-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/20/22
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 Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Appeal Dismissal
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

The claimant/appellant, Espoir Byamungu, filed an appeal from an unemployment insurance decision dated May 5, 2022 (reference 11), finding claimant was ineligible to receive benefits because claimant failed to report as directed for a reemployment and eligibility assessment. After due notice was issued, a hearing was scheduled for July 6, 2022.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated May 9, 2022 (reference 14) finding that claimant was eligible for unemployment insurance benefits effective April 17, 2021, because claimant had participated in the reemployment and eligibility assessment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary, and no hearing was scheduled.

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 May 5, 2022 (reference 13) determined that the claimant was not eligible for unemployment insurance benefits effective May 1, 2022, because claimant failed to report for a reemployment and eligibility assessment. The claimant appealed this decision. Before the hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated May 9, 2022 (reference 14) stating that claimant is eligible for unemployment insurance benefits effective April 17, 2022, as

long as claimant meets all the other eligibility requirements. This subsequent agency decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

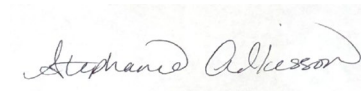
REASONING AND CONCLUSIONS OF LAW:

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 only issue on this appeal is now moot, due to subsequent agency action in favor of the appellant. The appeal of the original representative's decision dated May 9, 2022 (reference 14) is dismissed as moot.

DECISION:

The appeal of the unemployment insurance decision dated May 5, 2022 (reference 11), is dismissed as moot.



Stephanie Adkisson
Administrative Law Judge
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June 28, 2022
Decision Dated and Mailed

sa/scn