

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHAEL P IZER**  
Claimant

**APPEAL 21A-UI-15194-DZ-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWAWORKS CENTER – CEDAR RAPIDS**

**OC: 05/02/21**  
**Claimant: Appellant (6)**

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Iowa Code § 96.4(3) – Able and Available/Work Search  
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work  
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning  
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:**

Michael P Izer, the claimant/appellant, filed an appeal from the July 2, 2021 (reference 01) unemployment insurance decision that warned him to keep a record of the job contacts he makes each week he claims unemployment insurance benefits, but did not deny benefits. A hearing is scheduled for August 30, 2021 at 9:00 a.m. Before the scheduled hearing, Iowa Workforce Development issued a favorable decision to Mr. Izer on August 11, 2021 (reference 02), stating that the reference 01 decision was issued in error, and is null and void. The reference 02 decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary.

**ISSUES:**

Should the most recent unemployment insurance decision be affirmed?  
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 July 2, 2021 (reference 01), warned Mr. Izer to keep a record of the job contacts he makes each week he claims unemployment insurance benefits, but did not deny benefits. Mr. Izer appealed the decision.

Before a hearing was held, Iowa Workforce Development issued a favorable decision to Mr. Izer, dated August 11, 2021 (reference 02), stating that the reference 01 decision was issued in error, and is null and void. The agency representative asked that the appeal be dismissed. The reference 02 decision resolved the only issue on appeal in Mr. Izer'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 Dept.*, 335 N.W.2d 439, 442 (Iowa 1983)

The decision appealed was amended in favor of Mr. Izer, making this appeal moot. The appeal of the original representative’s decision dated July 2, 2021 is dismissed. The most recent decision, dated August 11, 2021, is affirmed.

**DECISION:**

The appeal is dismissed as moot. The August 11, 2021 (reference 02) unemployment insurance decision is affirmed.

The hearing scheduled for August 30, 2021 at 9:00 a.m. is cancelled.



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Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
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August 24, 2021  
Decision Dated and Mailed

dz/mn