

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN I NOSKO
Claimant

APPEAL 17A-UI-06057-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/10/16
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able and Available to Work
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report
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. 871-26.11 - Motions

STATEMENT OF THE CASE:

John I. Nosko (claimant/appellant) filed an appeal from the unemployment insurance decision dated June 6, 2017, reference 02, that determined he was not eligible for unemployment insurance benefits as of May 21, 2017, because he failed to report as directed by an agency representative. A hearing was scheduled for June 29, 2017. Before the hearing was held, Iowa Workforce Development (IWD) issued a decision favorable to the claimant dated June 22, 2017, reference 05, stating that he is eligible for unemployment insurance benefits because he had an acceptable reason for not reporting as directed. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was held.

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 June 6, 2017, reference 02, determined that the claimant was not eligible for unemployment insurance benefits as of May 21, 2017, because he failed to report as directed by an agency representative. The claimant appealed this decision. Before a hearing was held, IWD issued a decision favorable to the claimant dated June 22, 2017, reference 05, stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The decision dated June 22, 2017, reference 05, stated the claimant provided an acceptable reason for not reporting. This 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 decision appealed was reversed by a subsequent agency decision in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated June 6, 2017, reference 02, is dismissed. The most recent decision, dated June 22, 2017, reference 05, is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated June 6, 2017, reference 02, is dismissed. The decision issued on June 22, 2017, reference 05, is affirmed. The appeal is dismissed as moot.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn