

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JOSEPH W SIMMONS**  
Claimant

**APPEAL 16A-UI-13022-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FALEWITCH CONSTRUCTION**  
Employer

**OC: 02/14/16**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 2, 2016, (reference 02) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on December 28, 2016. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 03 representative's decision), no testimony was necessary and no hearing was held.

**ISSUE:**

Should the unemployment insurance decision be affirmed?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 03 representative's decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

**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) Since the decision appealed has been amended in favor of the appellant, the original representative’s decision bearing reference 02 is reversed.

**DECISION:**

The December 2, 2016, (reference 02) unemployment insurance decision is reversed. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld shall be paid.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/rvs