

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CAROLYN NOON
Claimant

APPEAL 19A-UI-09430-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/06/19
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.2(1)e – Re-employment Services
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security 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:

The claimant/appellant, Carolyn Noon, filed an appeal from an unemployment insurance decision dated November 26, 2019 (reference 03) that determined she was not eligible for benefits effective November 17, 2019 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on December 30, 2019 at 10:00 a.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated December 4, 2019 (reference 04) finding that claimant was eligible for unemployment insurance benefits effective November 17, 2019, because she 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 the hearing scheduled for December 30, 2019 was cancelled.

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. The claimant/appellant, Carolyn Noon, filed an appeal from an unemployment insurance decision dated November 26, 2019 (reference 03) that determined she was not eligible for benefits effective November 17, 2019 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on December 30, 2019 at 10:00 a.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated December 4, 2019 (reference 04) finding that claimant was eligible for unemployment insurance benefits effective November 17, 2019, because she had participated in the reemployment and eligibility assessment.

The agency representative asked that the appeal be dismissed as moot. This subsequent agency decision resolved the 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).

Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative's decision dated November 26, 2019 (reference 03) is dismissed as moot. The hearing scheduled for December 30, 2019, at 10:00 a.m. is cancelled.

DECISION:

The decision dated December 4, 2019 remains in effect. The request to dismiss the appeal of the unemployment insurance decision dated November 26, 2019 (reference 03) is approved. The appeal is dismissed as moot.

The hearing scheduled on December 30, 2019, at 10:00 a.m. is cancelled.

Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

jlb/scn