IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

LAURIE J CONLON Claimant **IOWA WORKFORCE DEVELOPMENT** **DEPARTMENT**	**APPEAL 19A-UI-00270-SC-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 12/30/18** **Claimant: Appellant (6)**

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) - Dismissal
Iowa Admin. Code r. 871-26.11 - Motions
Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Laurie J. Conlon (claimant/appellant) filed an appeal from the unemployment insurance decision dated January 9, 2019, reference 01, that she was not eligible for unemployment insurance benefits as of December 30, 2018, because she had not qualified for benefits in a second benefit year. Before a hearing was held, Iowa Workforce Development (IWD) issued a favorable decision to the claimant dated January 17, 2019, reference 03, stating that she is eligible for unemployment insurance benefits because she did qualify for benefits in a second benefit year. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or 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 her appeal. An unemployment insurance decision dated January 9, 2019, reference 01, determined that the claimant was not eligible for unemployment insurance benefits as of December 30, 2018, because she had not qualified for benefits in a second benefit year by earning eight times her weekly benefit amount in insured wages during or subsequent to the first benefit year. The claimant appealed this decision. Before a hearing was held, IWD issued a favorable decision to the claimant dated January 17, 2019, reference 03, stating that she is eligible for unemployment insurance benefits as long as she meets all the other eligibility requirements. The decision dated January 17, 2019, reference 03, stated the claimant had qualified for benefits in a second benefit by earning eight times her weekly benefit amount

during or subsequent to the start of the first benefit year. This decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal.

Iowa Admin. Code r. 871-26.8(1) provides:

> Withdrawals, dismissals, and postponements.
>
> (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.
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> An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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 amended in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated January 9, 2019, reference 01, is dismissed. The most recent decision, dated January 17, 2019, reference 03, is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated January 9, 2019, reference 01, is dismissed as moot. The decision issued on January 17, 2019, reference 03, is affirmed.

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Stephanie R. Callahan
Administrative Law Judge

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Decision Dated and Mailed

src/scn