

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIMELA B WEISENBORN
Claimant

APPEAL 16A-UI-11501-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/03/16
Claimant: Appellant (6)

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. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 – Motions
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

The Appeals Bureau received an appeal from an unemployment insurance decision dated October 10, 2016, reference 02. Before a hearing was scheduled, the department representative submitted sufficient information to support its request that the appeal be dismissed, due to subsequent agency action which resolved the issue on appeal. No hearing was scheduled or held.

ISSUE:

Should the appeal be dismissed as moot based on the Department's motion?

FINDINGS OF FACT:

The available information in the Department's administrative file establishes the following facts: The department issued a decision on October 10, 2016, reference 02, denying benefits as of 10/02/16 and continuing until the claimant reported for a reemployment services orientation. The department later issued a decision on October 28, 2016, reference 03, stating that the claimant is eligible for benefits beginning on 10/02/16, as long as she meets all the other eligibility requirements. The decision issued on October 28, 2016, reference 03, also stated that the claimant participated in the reemployment services orientation as required.

The department representative requested that the appeal be dismissed. The most recent decision, issued on October 28, 2016, reference 03, makes it clear that the only issue on appeal was resolved in the claimant/appellant's favor. The decision issued on October 28, 2016, reference 03, resolves the only issue on appeal in the claimant/appellant's favor without a gap in her unemployment insurance eligibility.

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 request to dismiss the appeal should be approved. The only issue on this appeal is now moot. The claimant is eligible for benefits without a gap in coverage.

DECISION:

The department representative’s request to dismiss the appeal of the unemployment insurance decision dated October 10, 2016, reference 02, is approved. The decision issued on October 28, 2016, reference 03, is affirmed. The appeal is dismissed as moot.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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