

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KOREEN K RAYL
Claimant

APPEAL 22A-UI-10278-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/08/21
Claimant: Appellant (6)**

Iowa Code § 96.6(2) – Filing – Timely Appeal
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 § 96.4(7) – Eligibility – Reemployment Services
Iowa Admin. Code r. 871-24.6(6) – Reemployment Services and Eligibility Assessment
Iowa Code § 96.4(3) – Eligibility - Able and Available
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On March 1, 2022, Koreen Rayl (claimant/appellant) filed an appeal from the Iowa Workforce Development (“IWD”) decision dated October 18, 2021 (reference 01) that denied unemployment insurance benefits as of October 3, 2021 based on a finding claimant failed to report for a Reemployment and Eligibility Assessment on October 6, 2021.

A telephone hearing was set for May 11, 2022 at 2 p.m. Before a hearing was held, the agency issued a favorable decision to the appellant, dated May 9, 2022 (reference 08). This decision made the issue on appeal moot. Therefore, no testimony was necessary and no hearing was held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant’s favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The decision appealed has been administratively resolved in favor of the appellant by the unemployment insurance decision dated May 9, 2022 (reference 08) that allowed benefits beginning October 3, 2021 so long as claimant met all other eligibility requirements based on a finding claimant subsequently participated in the Reemployment and Eligibility Assessment.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

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). As the agency resolved the prior disqualification in favor of the appellant prior to the hearing, there is no issue for the administrative law judge to adjudicate rendering the appeal moot.

DECISION:

The appeal of the decision dated October 18, 2021 (reference 01) that denied unemployment insurance benefits as of October 3, 2021 based on a finding claimant failed to report for a Reemployment and Eligibility Assessment on October 6, 2021 is dismissed, as it is moot.



Andrew B. Duffelmeyer
Administrative Law Judge

May 12, 2022
Decision Dated and Mailed

abd/abd