

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHOLAS A EBERHARDT
Claimant

APPEAL 19A-UI-01744-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/11/18
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
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, Nicholas A. Eberhardt, filed an appeal from an unemployment insurance decision dated January 29, 2019 (reference 04) that determined he was not eligible for benefits effective January 20, 2019 for failing to report for a reemployment services appointment. A telephone hearing was scheduled to be held on March 15, 2019.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated March 1, 2019 (reference 07) finding that claimant was eligible for unemployment insurance benefits effective January 20, 2019 because he had participated in the reemployment services appointment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for March 15, 2019 is canceled.

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. An unemployment insurance decision dated January 29, 2019 (reference 04) was issued and concluded that he was not eligible for benefits effective January 29, 2019 for failing to report for a reemployment services appointment.

The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated March 1, 2019 (reference 07) finding that

claimant was eligible for unemployment insurance benefits effective January 20, 2019 because he had participated in the reemployment services appointment, as long as he meets all the other eligibility requirements. The agency representative asked that the appeal be dismissed as moot. This subsequent agency decision resolved the only 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).

The decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated January 29, 2019 (reference 04) is dismissed as moot. The hearing scheduled for March 15, 2019 is canceled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated January 29, 2019 (reference 04) is approved. The appeal is dismissed as moot.

The hearing scheduled for March 15, 2019 is canceled.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn