

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENT KLEIN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-09125-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/17/21
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, Kent Klein, filed an appeal from an unemployment insurance decision dated March 24, 2021 (reference 02) that determined he was not eligible for benefits effective March 14, 2021 for failing to report for a reemployment services appointment. A telephone hearing was scheduled to be held on June 16, 2021.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated May 17, 2021 (reference 05) finding that claimant was eligible for unemployment insurance benefits effective March 14, 2021. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for 10:00 a.m. on June 16, 2021 is cancelled.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The claimant/appellant, Kent Klein, filed an appeal from an unemployment insurance decision dated February 24, 2021 (reference 02) that determined he was not eligible for benefits effective March 14, 2021 for failing to report for a reemployment services appointment. A telephone hearing was scheduled to be held on June 16, 2021.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated May 17, 2021 (reference 05) finding that claimant was eligible for unemployment insurance benefits effective March 14, 2021. 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 March 24, 2021 (reference 02) is dismissed as moot. The hearing scheduled for June 16, 2021 is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated March 24, 2021 (reference 02) is dismissed as moot. The hearing scheduled for June 16, 2021 is cancelled. (The reference 05 initial decision, allowing benefits remains in effect and is affirmed.)



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 25, 2021
Decision Dated and Mailed

jlb/ol

NOTE TO CLAIMANT: If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at

<https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>