

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALESHA A WHITMORE**  
Claimant

**APPEAL 23A-UI-09693-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/11/23  
Claimant: Appellant (6)**

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Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawals, dismissals and postponements

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 3, 2023 (reference 01) unemployment insurance benefits decision that issued them a work search warning. Iowa Workforce Development (IWD) issued a subsequent decision dated October 20, 2023 (reference 02) which found that the reference 01 decision was null and void. A hearing in this matter is currently scheduled for October 30, 2023.

**ISSUE:**

Should the appeal be dismissed due to subsequent agency action?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant/appellant filed an appeal to the October 3, 2023 (reference 01) decision that issued them a work search warning. Subsequently, IWD issued a decision dated October 20, 2023 (reference 02) found that the reference 01 was issued in error. This reference 02 decision declared that previous decision null and void.

As such, this case has been resolved by subsequent agency action and no hearing is required. The hearing scheduled for October 30, 2023 will be cancelled.

**REASONING AND CONCLUSIONS OF LAW:**

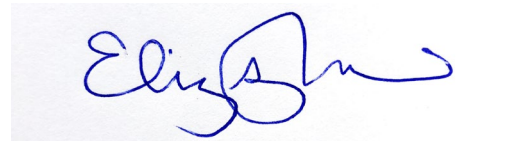
For the reasons that follow, the administrative law judge concludes as follows:

Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot.<sup>1</sup> “A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent.”<sup>2</sup>

The appeal in this case is moot as IWD issued a subsequent decision finding that the previous decision that was appealed is null and void. The appeal shall be dismissed as moot.

**DECISION:**

The appeal in this case is dismissed as the controversy has been resolved and the issue is moot. The unemployment insurance benefits decision dated October 3, 2023 (reference 01) was reversed by subsequent agency action. No hearing is necessary and the October 30, 2023 hearing is cancelled.



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Elizabeth A. Johnson  
Administrative Law Judge

October 30, 2023  
Decision Dated and Mailed

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<sup>1</sup> *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005).

<sup>2</sup> *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983).

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board**  
**6200 Park Avenue Suite 100**  
**Des Moines, Iowa 50321**  
**Fax: (515)281-7191**  
**Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board**  
**6200 Park Avenue Suite 100**  
**Des Moines, Iowa 50321**  
**Fax: (515)281-7191**  
**En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.