

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KENNETH V CUMMINS
Claimant

APPEAL 17A-UI-07363-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/23/17
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) – Dismissal 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 claimant, Kenneth Cummins, filed an appeal from an unemployment insurance decision dated July 18, 2017, 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.

ISSUE:

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

FINDINGS OF FACT:

The available information in the Department's administrative file establishes the following facts: The department issued a decision on July 18, 2017, reference 02, denying benefits as of 07/09/17 and continuing until the claimant reported for a reemployment and eligibility assessment. The department later issued a decision on July 28, 2017, reference 03, stating that the claimant is eligible for benefits beginning on 07/09/17, as long as he meets all the other eligibility requirements. The decision issued on July 28, 2017, reference 03, also stated that the claimant participated in the reemployment and eligibility assessment as required.

The department representative requested that the appeal be dismissed. The most recent decision, issued on July 28, 2017, reference 03, makes it clear that the only issue on appeal was resolved in the claimant/appellant's favor. The decision issued on July 28, 2017, reference 03, resolves the only issue on appeal in the claimant/appellant's favor without a gap in his 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). An appeal may be dismissed when the issue on appeal has been resolved in the appellant’s favor. Iowa Admin. Code r. 871-26.8(1).

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 July 18, 2017, reference 02, is approved. The decision issued on July 28, 2017, reference 03, is affirmed. The appeal is dismissed as moot.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/rvs