

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

REBECCA N LUKAU
Claimant

APPEAL 22A-UI-09221-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/16/22
Claimant: Appellant (6)**

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) – Appeal Dismissal

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from an unemployment insurance decision dated April 6, 2022 (reference 02) that found the claimant was not eligible for benefits effective March 20, 2022 as she was a full-time student. Iowa Workforce Development (IWD) Appeals Bureau docketed the appeal and scheduled a hearing for May 24, 2022 at 3:00 p.m. On April 15, 2022, IWD Benefits Bureau issued a reference 03 decision finding that the claimant has been approved for department approved training (DAT) and benefits were allowed effective January 16, 2022. As such, the appeal is moot and shall be dismissed due to subsequent agency action.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The available information in the department's administrative file establishes the following facts: The department issued a decision dated April 6, 2022 (reference 02) that found the claimant was not eligible for unemployment insurance benefits due to her being a full-time student. The claimant filed an appeal to the denial decision; however, IWD issued a subsequent decision on April 15, 2022 (reference 03) finding that the claimant was eligible for benefits effective January 16, 2022, as she had been approved for DAT. As such, the appeal to the April 6, 2022 (reference 02) decision is moot.

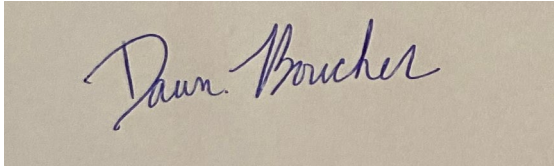
REASONING AND CONCLUSIONS OF LAW:

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 appeal in this case is moot as benefits are allowed to the claimant due to subsequent agency action. The appeal shall be dismissed as moot.

DECISION:

The appeal from the unemployment insurance decision dated April 6, 2022 (reference 02) is dismissed as moot due to subsequent agency action that found the claimant was approved for DAT effective January 16, 2022. The hearing scheduled for May 24, 2022 is cancelled.

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Dawn Boucher
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

db/db