

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHARON M OCONNOR
Claimant

APPEAL 18A-UI-04271-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/17/17
Claimant: Appellant (6)**

Iowa Code § 96.4(3) - Able and Available
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report
Iowa Admin. Code r. 871-24.23(11) – Failure to Report
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated April 5, 2018, reference 06, that denied unemployment insurance benefits due to her failure to report to Iowa Workforce Development as required. A telephone hearing was scheduled for May 1, 2018 at 9:00 a.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated April 17, 2018, reference 07. This decision made the issues on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant establish the following facts: The claimant/appellant filed an appeal from the unemployment insurance decision dated April 5, 2018, reference 06, denying unemployment insurance benefits as of April 1, 2018. This decision stated that the claimant failed to report to Iowa Workforce Development as required.

A telephone hearing was scheduled for this appeal on May 1, 2018. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated April 17, 2018, reference 07. The decision dated April 17, reference 07, specifically stated that the

claimant had an acceptable reason for not reporting as required and allowed benefits without a gap in coverage.

This most recent decision made the only issue on appeal moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

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 specifically amended in favor of the appellant, making this appeal moot. The most recent decision, dated April 17, 2018, reference 07, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated April 5, 2018, reference 06, is approved. The decision issued on April 17, 2018, reference 07, is affirmed. The claimant is allowed benefits, provided she is otherwise eligible. The appeal is dismissed as moot.

The hearing scheduled on May 1, 2018 at 9:00 a.m. is canceled.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn