

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIN D TAYLOR
Claimant

APPEAL 15A-UI-11950-EC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/06/15
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Able & Available for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawal

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 22, 2015, reference 04, unemployment insurance decision that determined she was not eligible to receive unemployment insurance benefits, because she had no means of transportation to the area where work exists, unduly limiting her availability for work. This decision denied benefits as of October 18, 2015. A telephone hearing was scheduled on November 13, 2015 at 11:00 a.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated November 5, 2015. This decision made the issue 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:

Having reviewed all of the evidence in the record, the administrative law judge finds as follows: The claimant/appellant filed an appeal from the October 22, 2015, reference 04, unemployment insurance decision that determined she was not eligible to receive unemployment insurance benefits, because she had no means of transportation to the area where work exists, unduly limiting her availability for work. The decision further stated that she did not meet the availability requirements of the law. This decision denied benefits as of October 18, 2015.

The decision dated October 22, 2015, reference 04, also stated as follows: If the circumstances have changed and you believe the disqualification can be removed, you should contact your local workforce development center ... and request that it be removed. The claimant did so on November 4, 2015.

A telephone hearing was scheduled for this appeal on November 13, 2015 at 11:00 a.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated November 5, 2015.

The decision dated November 5, 2015, reference 06, stated that she is eligible for benefits beginning on October 18, 2015. This decision acknowledged that she now has transportation to look for work. The claimant described her transportation options in her appeal letter.

This most recent decision made the only issue on appeal moot. Therefore, no testimony or additional evidence is necessary and 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 amended in favor of the appellant, making this appeal moot. The most recent decision, dated November 5, 2015, reference 06, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated October 22, 2015 (reference 04) is approved. The decision issued on November 5, 2015 (reference 06) is affirmed. The appeal is dismissed as moot. Benefits are allowed, as stated in the most recent decision. The hearing scheduled on November 13, 2015 at 11:00 a.m. is canceled.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/css