

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT D RAMEY
Claimant

APPEAL 21A-UI-07009-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASPLUNDH TREE EXPERT LLC
Employer

OC: 05/03/20
Claimant: Appellant (6)

Iowa Code § 96.19(38) – Total, Partial, Temporary Unemployment
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
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from an unemployment insurance decision dated February 26, 2021 (reference 01) that found the claimant was not available for work effective May 3, 2020. Iowa Workforce Development issued a decision dated March 15, 2021 (reference 03) which found the February 26, 2021 (reference 01) decision was null and void and the appeal in this matter is moot. The hearing scheduled for May 12, 2021 at 2:00 p.m. is cancelled.

ISSUE:

Should the appeal be dismissed as moot based on subsequent agency action?

FINDINGS OF FACT:

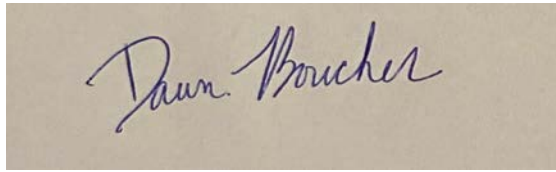
The available information in the department's administrative file establishes the following facts: The department issued a decision dated February 26, 2021 (reference 01) that found the claimant was not available for work effective May 3, 2020. The department later issued a decision on March 15, 2021 (reference 03) which found the decision issued February 26, 2021 (reference 01) was null and void. Subsequent agency action has made the appeal of the decision dated February 26, 2021 (reference 01) 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 only issue on this appeal is now moot because of subsequent agency action.

DECISION:

The appeal of the unemployment insurance decision dated February 26, 2021 (reference 01) is dismissed as moot. The hearing scheduled for May 12, 2021 at 2:00 p.m. is cancelled.

A handwritten signature in blue ink on a light brown background. The signature reads "Dawn Boucher" in a cursive script.

Dawn Boucher
Administrative Law Judge

April 26, 2021
Decision Dated and Mailed

db/scn