

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

ANTHONY J BIRCH
Claimant

APPEAL NO: 19A-UI-00998-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/27/19
Claimant: Appellant (6)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-26.11 – Motions
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 31, 2019 monetary record. A hearing was scheduled for February 19, 2019. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development. The monetary record concluded the claimant is now monetarily eligible for benefits. The corrected monetary record made the issue on appeal moot. On February 14, 2019, the claimant submitted a written request to withdraw the appeal.

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 show the claimant established a claim for unemployment insurance benefits effective January 27, 2019. The claimant's monetary record dated January 31, 2019 concluded he lacked sufficient earnings to be monetarily eligible. The claimant appealed the determination and a hearing was scheduled for February 19, 2019.

On February 6, 2019, a corrected monetary record was issued by IWD concluding the claimant was monetarily eligible to receive benefits. The most recent favorable decision made the issue he appealed moot. The claimant also formally requested to withdraw his appeal on February 14, 2019. The appeal was submitted in writing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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 administrative law judge has reviewed the records and files herein and concludes that the request to dismiss the appeal should be approved. The only issue on this appeal is now moot. The most recent decision, (the corrected monetary record) dated February 6, 2019, is affirmed.

DECISION:

The request to dismiss the appeal of the monetary record dated January 31, 2019 is granted. The corrected monetary record issued on February 6, 2019, is affirmed. The appeal is dismissed as moot. **The hearing for February 19, 2019, is canceled.**

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn