

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

YVONNE ALEXANDER
Claimant

APPEAL 21A-UI-18196-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/27/21
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
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 August 4, 2021 (reference 03) that found the claimant was not eligible for benefits from July 25, 2021 through July 31, 2021. Iowa Workforce Development issued a decision dated August 4, 2021 (reference 04) which found the August 4, 2021 (reference 03) decision was null and void and the appeal in this matter is moot. The hearing scheduled for October 12, 2021 at 11:00 a.m. is cancelled.

ISSUE:

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

FINDINGS OF FACT:

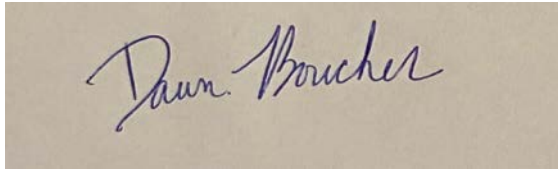
The available information in the department's administrative file establishes the following facts: The department issued a decision dated August 4, 2021 (reference 03) that found the claimant was not eligible for benefits from July 25, 2021 through July 31, 2021. The department later issued a decision on August 4, 2021 (reference 04) which found the decision issued August 4, 2021 (reference 03) was null and void. Subsequent agency action has made the appeal of the decision dated August 4, 2021 (reference 03) 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 August 4, 2021 (reference 03) is dismissed as moot. The hearing scheduled for October 12, 2021 at 11:00 a.m. is cancelled.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style.

Dawn Boucher
Administrative Law Judge

October 18, 2021
Decision Dated and Mailed

db/ol