

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DWIGHT D CHARLEY
Claimant

APPEAL 17A-UI-06388-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/16/17
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able and Available to Work
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated May 19, 2017, reference 02, that he was not eligible for unemployment insurance benefits from April 30, 2017 through May 6, 2017, because he was not able to and available for work. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated June 27, 2017, reference 06, stating that he is eligible for unemployment insurance benefits and that he was available for work. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. An unemployment insurance decision dated May 19, 2017, reference 02, determined that the claimant was not eligible for unemployment insurance benefits as of April 30, 2017, because he was not able to and available for work. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated June 27, 2017, reference 06, stating that he is eligible for unemployment insurance benefits as he is available for work. This decision resolved the only issue on appeal in the claimant's favor, making the appeal 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 decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated May 19, 2017, reference 02, is dismissed. The most recent decision, dated June 27, 2017, reference 06, is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated May 19, 2017, reference 02, is dismissed as moot. The decision issued on June 27, 2017, reference 06, is affirmed.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn