

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ELIZABETH M ZWEIBOHMER
Claimant

APPEAL 17A-UI-11661-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/21/17
Claimant: Appellant (6)

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits
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 November 7, 2017 (reference 03). That decision was declared null and void by a decision dated November 14, 2017 (reference 05). As such, the decision dated November 7, 2017 (reference 03) is null and void due to subsequent agency action. No hearing was scheduled or held.

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 on November 7, 2017 (reference 03) finding claimant's request for retroactive benefits was denied. The department later issued a decision on November 14, 2017 (reference 05), finding the November 7, 2017 (reference 03) decision was null and void. The decision issued on November 7, 2017 (reference 03) became null and void due to subsequent agency action.

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 the decision was amended by subsequent agency action.

DECISION:

The appeal of the unemployment insurance decision dated November 7, 2017 (reference 03) is dismissed as moot due to subsequent agency action.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs