

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BAILEY P CAVANAUGH
Claimant

APPEAL 17A-UI-08286-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/18/17
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Available for Work
Iowa Admin. Code r. 871-24.2(1)e – Re-employment Services
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

STATEMENT OF THE CASE:

The claimant/appellant, Bailey P. Cavanaugh, filed an appeal from an unemployment insurance decision dated August 3, 2017 (reference 02) that found claimant was not eligible for benefits effective July 30, 2017 due to her failure to report for a reemployment and eligibility assessment. A telephone hearing was scheduled for September 1, 2017, at 1:00 p.m. Prior to the hearing date, Iowa Workforce Development (IWD) issued a decision dated August 23, 2017 (reference 04) that found claimant has participated in the assessment and benefits were allowed effective July 30, 2017. The IWD representative requested the appeal dismissed due to the appeal issue now being moot.

The hearing scheduled for September 1, 2017 at 1:00 p.m. is canceled due to the issue being moot.

ISSUE:

Should the appeal be dismissed as moot based on the department's motion?

FINDINGS OF FACT:

The available information in the Department's administrative file establishes the following facts: The department issued a decision on August 3, 2017 (reference 02) denying benefits as of July 30, 2017 and continuing until the claimant reported for a reemployment and eligibility assessment. The department later issued a decision on August 23, 2017 (reference 04) stating that the claimant is eligible for benefits beginning on July 30, 2017, as long as she meets all the other eligibility requirements. The decision issued on August 23, 2017 (reference 04), also stated that the claimant participated in the reemployment and eligibility assessment as required.

The department representative requested that the appeal be dismissed and the hearing cancelled. The most recent decision, issued on August 23, 2017, (reference 04) makes it clear that the only issue on appeal was resolved in the claimant/appellant's favor.

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) An appeal may be dismissed when the issue on appeal has been resolved in the appellant’s favor. Iowa Admin. Code r. 871-26.8(1).

The request to dismiss the appeal should be approved. The only issue on this appeal is now moot. The claimant is eligible for benefits without a gap in coverage. The hearing scheduled for September 1, 2017 at 1:00 p.m. is cancelled.

DECISION:

The department representative’s request to dismiss the appeal of the unemployment insurance decision dated August 3, 2017, (reference 02), is approved. The decision issued on August 23, 2017, (reference 04), is affirmed. The appeal is dismissed as moot. The hearing scheduled for September 1, 2017 at 1:00 p.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs