

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BIAR K ATEM
Claimant

APPEAL 17A-UI-13101-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

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 filed an appeal from the unemployment insurance decision dated June 26, 2017, (reference 05), that found the claimant was not eligible for unemployment insurance benefits as of June 11, 2017, because he failed to report to Iowa Workforce Development (“IWD”) as required. Before a hearing was scheduled, IWD issued a favorable decision to the claimant, dated December 26, 2017, (reference 07), stating that he is eligible for unemployment insurance benefits because he has participated in the orientation. This decision made the issue on appeal moot. IWD requested the appeal to be dismissed. No testimony or additional evidence was necessary. No hearing was scheduled or held.

ISSUE:

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 June 26, 2017, (reference 05), determined that the claimant was not eligible for unemployment insurance benefits as of June 11, 2017, because he failed to report to IWD as required. The claimant appealed this decision. Before a hearing was scheduled, IWD issued a favorable decision to the claimant, dated December 26, 2017, (reference 07), stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The agency representative asked that the appeal to be dismissed as moot. The December 26, 2017, (reference 07) 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 December 26, 2017, (reference 07) decision made this appeal moot. The appeal of the original representative’s decision dated June 26, 2017, (reference 05), is dismissed as moot.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated June 26, 2017, (reference 05), is approved. The appeal is dismissed as moot.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs