

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELIZABETH A MULLNIX
Claimant

APPEAL 19A-UI-02260-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/20/19
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) – Appeal Dismissal
Iowa Admin. Code r. 871-26.11 – Motions
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision dated March 12, 2019, (reference 07). Before a hearing was held, the department representative submitted sufficient information to support its request that the appeal be dismissed, due to subsequent agency action which resolved the issue on appeal.

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 March 12, 2019, (reference 07), denying benefits as of March 10, 2019 and continuing until the claimant reported for a reemployment services orientation. The department later issued a decision on March 19, 2019, (reference 08), stating that the claimant is eligible for benefits beginning on March 10, 2019, as long as she meets all the other eligibility requirements. The decision issued also stated that the claimant participated in the reemployment services orientation as required.

The department representative requested that the appeal be dismissed. The most recent decision, issued on March 19, 2019, (reference 08), makes it clear that the only issue on appeal was resolved in the claimant's favor without a break in benefit payments.

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 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 break in her weekly benefits.

DECISION:

The department representative’s request to dismiss the appeal of the unemployment insurance decision dated March 12, 2019, (reference 07), is approved. The decision issued on March 19, 2019, (reference 08), is affirmed. The appeal is dismissed as moot. The hearing scheduled for April 4, 2019 at 11:00 a.m. is cancelled.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs