

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXUS BROWN
Claimant

FOOT LOCKER RETAIL INC
Employer

APPEAL 21A-UI-01137-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/23/20
Claimant: Appellant (2)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant filed an appeal from the unemployment insurance decision dated November 2, 2020 (reference 02), that she was not eligible for unemployment insurance benefits as of August 23, 2020, because claimant was deemed not able and available for work. Before a hearing was scheduled, Iowa Workforce Development issued a separate decision (ref 01) on December 08 that correctly addressed this issue as a separation issue. This decision made the issue in (ref 02) on appeal moot.

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 November 2, 2020 (reference 02), determined that the claimant was not eligible for unemployment insurance benefits as of August 23, 2020, because she was not able and available for work as she was still working her same hours. Iowa Workforce Development issued a separate decision dated December 8, 2020 (reference 01), finding claimant to be ineligible for unemployment benefits as of August 23, 2020 because claimant had quit her employment without good cause attributable to employer. An exploration of the matters found that the separation issue is the only appropriate issue to be addressed on appeal.

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 by another IWD decision (ref 01) which correctly found the matter to be addressed as a separation issue, making this appeal moot. The appeal of the original representative’s decision dated November 2, 2020 (ref 02) is reversed. The most recent decision, (ref 01) is addressed in case 21A-UI-01136. This decision granted benefits.

DECISION:

The decision in this matter is reversed so as to coordinate with the decision entered in 21A-UI-01136. The decision dated November 2, 2020, reference 02 is reversed and claimant is granted benefits. The decision is reversed and should in no way disallow claimant from the receipt of benefits.



Blair A. Bennett
Administrative Law Judge

February 26, 2021
Decision Dated and Mailed

bab/kmj