

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ELTON J LONG**  
Claimant

**APPEAL 15A-UI-13379-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/10/14  
Claimant: Appellant (6)**

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Iowa Code §96.4(3) – Able & Available for Work  
Iowa Admin. Code r. 871-24.9(2)c – Amended Decision  
Iowa Admin. Code r. 871-26.11 – Motions

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the November 24, 2015, reference 01, unemployment insurance decision that he was incarcerated for the major portion of the week from 08/10/14 through 08/16/14 and was therefore not able and available for work. Before a hearing was scheduled, the claimant received a favorable decision from Iowa Workforce Development, dated December 29, 2015, reference 04. This decision made the issues on appeal moot. Therefore, no testimony or additional was necessary. No hearing is needed.

**ISSUES:**

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds as follows: The claimant/appellant filed an appeal from the November 24, 2015, reference 01, unemployment insurance decision that he was not available for work because he was incarcerated for the major portion of the week from 08/10/14 through 08/16/14. This decision was then nullified by a decision dated December 29, 2015, reference 04. The decision dated December 29, 2015, reference 04, made the only issue on this appeal moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

**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 in favor of the appellant, making this appeal moot. The most recent decision, dated December 29, 2015, reference 04, is affirmed.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated November 24, 2015 (reference 01) is approved. The decision issued on December 29, 2015 (reference 04) is affirmed. The appeal is dismissed as moot.

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Emily Gould Chafa  
Administrative Law Judge

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Decision Dated and Mailed

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