

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAHLIL A KALOUS
Claimant

APPEAL 15A-UI-14359-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/08/15
Claimant: Appellant (6)**

Iowa Code Ch. 96 – Iowa Employment Security Law
Iowa Admin. Code r. 871-24.2(1)(g) – Filing Weekly Claims
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 – Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 11, 2015, reference 01, unemployment insurance decision that denied his request for retroactive benefits for the weeks of November 8, 2015 until November 28, 2015. Before a hearing was scheduled, the department representative issued an updated decision and requested that the appeal be dismissed. The claimant received a favorable decision from Iowa Workforce Development dated January 4, 2016, reference 02, stating that the decision issued on December 11, 2015, reference 01, was issued in error and is now declared is null and void. This decision made the issue on appeal moot. Therefore, no testimony was necessary. No hearing was held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed the pertinent evidence in the record, the administrative law judge finds: The decision initially appealed was amended in favor of the appellant by the representative's decision dated January 4, 2016, reference 02. The decision he appealed, dated December 11, 2015, reference 01, became moot. The decision issued on January 4, 2016, reference 02, specifically stated that the decision issued on December 11, 2015, reference 01, "was issued in error and is now declared null and void."

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 original representative’s decision dated December 11, 2015, reference 01, is reversed. The most recent decision dated January 4, 2016, reference 02, is affirmed.

DECISION:

The December 11, 2015, reference 01, unemployment insurance decision is reversed. The January 4, 2016, reference 02, unemployment insurance decision is affirmed. Benefits are allowed, if the claimant is otherwise eligible.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

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