

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICK R TITUS
Claimant

APPEAL 22A-UI-12187-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/20/22
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
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 May 10, 2022 (reference 03), that he was not eligible for unemployment insurance benefits as of April 17, 2022, for the one-week period ending April 23, 2022. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated May 16, 2022 (reference 08), stating that he is eligible for unemployment insurance benefits because he made an active work search by contacting employers. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

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 May 10, 2022 (reference 03), determined that the claimant was not eligible for unemployment insurance benefits for the week ending April 23, 2022, because he failed to make the required work search. The claimant appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated May 16, 2022 (reference 08), stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The decision dated May 16, 2022 (reference 08), stated claimant did make the required work search for the week in question. The agency representative asked that the appeal be dismissed. This decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

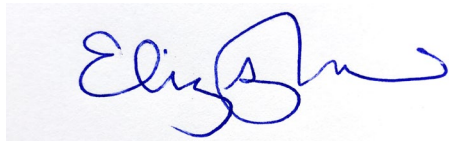
REASONING AND CONCLUSIONS OF LAW:

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 decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated May 10, 2022 is dismissed. The most recent decision, dated May 16, 2022 (reference 08) is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated May 10, 2022 is approved. The decision issued on May 16, 2022 is affirmed. The appeal is dismissed as moot.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

June 23, 2022
Decision Dated and Mailed

lj/lj