

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA S COWELL

Claimant

APPEAL 17A-UI-01790-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COVENANT MEDICAL CENTER INC

Employer

OC: 01/01/17

Claimant: Appellant (6)

Iowa Code §96.4(3) – Able and Available to Work
Iowa Admin. Code r. 871-24.23(26) – Able and Available to Work – Still Employed
Iowa Code §96.19(38)B – Partial Unemployment
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:

Lisa S. Cowell (claimant/appellant) filed an appeal from the unemployment insurance decision dated February 9, 2017 (reference 02) that stated she was not eligible for unemployment insurance benefits as of January 1, 2017, because she was not available for work as she was still employed with Covenant Medical Center, Inc. (employer) in the same hours and wages and could not be considered partially unemployed. Before a hearing was scheduled, Iowa Workforce Development (IWD) issued a decision making the decision dated February 9, 2017 (reference 02) null and void. It then issued a favorable decision to the claimant, dated February 22, 2017 (reference 04), stating that she is eligible for unemployment insurance benefits because she is participating in the Trade Adjustment Assistance (TAA) program which relieves her of the availability for work requirement and relieved the employer of charges while the claimant is a TAA participant. 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 her appeal. An unemployment insurance decision dated February 9, 2017 (reference 02) determined that the claimant was not eligible for unemployment insurance benefits as of January 1, 2017, because she was not available for work as was still employed in the same hours and wages and could not be considered partially unemployed. The claimant appealed this decision. Before a hearing was scheduled, IWD issued two decisions, one finding the

original decision null and void and another decision which was favorable to the claimant, dated February 22, 2017 (reference 04), stating that she is eligible for unemployment insurance benefits as long as she meets all the other eligibility requirements and the employer is relieved of charges while the claimant is in the TAA program. 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 February 9, 2017 (reference 02) is dismissed. The most recent decision, dated February 22, 2017 (reference 04) is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated February 9, 2017 (reference 02) is approved. The decision issued on February 22, 2017 (reference 04) is affirmed. The appeal is dismissed as moot.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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