

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**NICHOLAS O VELASQUEZ**  
Claimant

**APPEAL 17A-UI-02322-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/08/17  
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able & Available for Work  
Iowa Admin. Code r. 871-24.2(1)(e) – Failure to Report as Directed  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Admin. Code r. 871-26.11 - Motions

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the unemployment insurance decision dated February 20, 2017, reference 01. This decision determined that he was not eligible for unemployment insurance benefits effective February 12, 2017, because he failed to report as directed by Iowa Workforce Development. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated March 3, 2017, reference 02, stating that he is eligible for unemployment insurance benefits effective February 12, 2017. This most recent decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. The hearing scheduled on March 24, 2017 at 1:00 p.m. is canceled.

**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 February 20, 2017, reference 01, determined that the claimant was not eligible for unemployment insurance benefits effective February 12, 2017, because he failed to report as directed by Iowa Workforce Development. The claimant appealed this decision. A hearing was scheduled on March 24, 2017 at 1:00 p.m. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated March 3, 2017, reference 02, stating that this claimant is eligible for unemployment insurance benefits effective February 12, 2017, because he showed an acceptable reason for not reporting.

The agency representative asked that the appeal be dismissed. This decision resolved the only issue on this 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 agency representative requested that the appeal be dismissed, due to its subsequent action. Iowa Admin. Code r. 871-24.19(3). The appeal of the original representative's decision dated February 20, 2017, reference 01, is dismissed. The most recent decision, dated March 3, 2017, reference 02, is affirmed.

**DECISION:**

The department representative's request to dismiss the appeal of the unemployment insurance decision dated February 20, 2017, reference 01, is approved. The most recent decision, issued on March 3, 2017, reference 02, is affirmed. The appeal is dismissed as moot.

The hearing scheduled on March 24, 2017, at 1:00 p.m. is canceled.

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Emily Gould Chafa  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development

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Decision Dated and Mailed

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