

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID A GRIFFITH
Claimant

APPEAL 19A-UCFE-00009-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

USPS/EQUIFAX
Employer

**OC: 01/06/19
Claimant: Appellant (6)**

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 February 15, 2019 (reference 02), that he was not eligible for unemployment insurance benefits as of January 6, 2019, because he was still employed. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated February 19, 2019 (reference 03), stating that he is eligible for unemployment insurance benefits because the decision dated February 15, 2019 (reference 02) was entered in error and is declared null and void. 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 February 15, 2019 (reference 02), determined that the claimant was not eligible for unemployment insurance benefits as of January 6, 2019, because he was still employed. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated February 19, 2019 (reference 03), stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The decision dated February 19, 2019 (reference 03), stated the decision dated February 15, 2019 (reference 02) was entered in error and is declared null and void. 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 15, 2019 (reference 02), is dismissed. The most recent decision, the decision dated February 19, 2019 (reference 03), is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated February 15, 2019 (reference 02), is approved. The decision issued on February 19, 2019 (reference 03), is affirmed. The appeal is dismissed as moot.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn