

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AARON F LINDSEY
Claimant

APPEAL 16A-UI-07126-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/22/16
Claimant: Appellant (6)**

Iowa Admin. Code r. 871-24.2(1)e – Failure to Report
Iowa Code §96.4(3) – Able and Available to 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. 871-26.8(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 June 24, 2016, reference 07, stating that he was not eligible for unemployment insurance benefits because he failed to report to Iowa Workforce Development as required. Before a hearing was scheduled, the Iowa Workforce Development Claims Bureau issued two favorable decisions to the claimant, both dated June 29, 2016, reference 09 and reference 10, stating that he is eligible for unemployment insurance benefits because he showed an acceptable reason for his failure to report as required and that he was ill for a portion of the week. These decisions made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was held.

ISSUES:

Should the most recent unemployment insurance decisions 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 June 24, 2016, reference 07, determined that the claimant was not eligible for unemployment insurance benefits as of June 19, 2016 because he failed to report to Iowa Workforce Development as required. The claimant appealed this decision. Before a hearing was scheduled, the Iowa Workforce Development Claims Bureau issued a favorable decision to the claimant, dated June 29, 2016, reference 09, stating that he is eligible for unemployment insurance benefits, and further stating that he had an acceptable reason for his failure to report as required. The Claims Bureau issued another favorable decision, also dated June 29, 2016, reference 10, stating that the claimant is eligible for benefits as of June 11, 2016 because he was ill for less than a major portion of the week.

The agency representative asked that the appeal be dismissed. These decisions 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 superseded by a recent decision in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated June 24, 2016, reference 07, is dismissed. The decision dated June 29, 2016, reference 09, is affirmed. The decision dated June 29, 2016, reference 10, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated June 24, 2016, reference 07, is approved. The decision issued on June 29, 2016, reference 09, is affirmed. The decision issued on June 29, 2016, reference 10, is affirmed. The appeal is dismissed as moot.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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