

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATIE BAUER
Claimant

APPEAL 21A-UI-00530-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/19/20
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:

Claimant filed an appeal from the November 17, 2020 (reference 02) unemployment insurance decision that warned claimant to keep a record of job contacts made each week. A hearing is scheduled for February 9, 2021 at 11:00 a.m. Before the hearing was held, Iowa Workforce Development issued a favorable decision to claimant on December 10, 2020 (reference 03), stating that the decision dated November 17, 2020 (reference 02) was issued 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 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 November 17, 2020 (reference 02), warned claimant to keep a record of job contacts made each week. The claimant appealed the decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated December 10, 2020 (reference 03), which stated that the decision dated November 17, 2020 (reference 02) was issued in error and declared the decision null and void. An 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 November 17, 2020 (reference 02) is dismissed.

DECISION:

The appeal of the November 17, 2020 (reference 02) is dismissed as moot. The December 10, 2020 (reference 03) unemployment insurance decision is affirmed.

The hearing scheduled for February 9, 2021 at 11:00 a.m. is cancelled.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 18, 2021
Decision Dated and Mailed

acw/mn