

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL TOBIAS
Claimant

APPEAL 21A-UI-16124-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/03/21
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
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 July 19, 2021, reference 03, that denied unemployment insurance benefits effective July 11, 2021 for failure to attend a scheduled Reemployment Services appointment. A telephone hearing was scheduled on September 13, 2021. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated August 25, 2021, reference 04. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 04 representative's decision), no testimony was necessary and no hearing was held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 04 representative's decision.

The pertinent agency documents relating to this claimant establish the following facts: The claimant/appellant filed an appeal from the unemployment insurance decision dated July 19, 2021, reference 03, denying unemployment insurance benefits due to not reporting to a Reemployment Services appointment.

A telephone hearing was scheduled for this appeal on September 13, 2021 at 3:00. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated August 25, 2021, reference 04. The decision dated August 25, 2021, reference 04, specifically stated that claimant had completed the Reemployment Services requirements and benefits were allowed effective July 11, 2021 with no gap in benefits.

This most recent decision made the only issue on appeal moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

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)

Since the decision appealed has been amended in favor of the appellant, the original representative's decision bearing reference 03 is reversed.

The hearing for September 13, 2021 at 3:00 is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated July 19, 2021, reference 03, is approved. The decision issued on August 25, 2021, reference 04, is affirmed. The appeal is dismissed as moot.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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Fax 515-478-3528

September 03, 2021
Decision Dated and Mailed

jlb/mn