

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TERRE G ABEL**  
Claimant

**APPEAL 17A-UI-12936-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/03/17**  
**Claimant: Appellant (6)**

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Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year  
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:**

Terre G. Abel (claimant/appellant) filed an appeal from the unemployment insurance decision dated December 13, 2017, reference 01, that determined he was not eligible for unemployment insurance benefits as of December 3, 2017, because he had not earned sufficient wages during or after the previous claim year to qualify him for benefits in a subsequent year. Before a hearing was held, Iowa Workforce Development (IWD) issued a favorable decision to the claimant dated December 21, 2017, reference 02, stating that he is eligible for unemployment insurance benefits because he has earned sufficient wages to qualify him for a subsequent benefit year. 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 December 13, 2017, reference 01, determined that the claimant was not eligible for unemployment insurance benefits as of December 3, 2017, because he had not earned sufficient wages to qualify him for benefits in a subsequent benefit year. The claimant appealed this decision.

Before a hearing was held, IWD issued a favorable decision to the claimant dated December 21, 2017, reference 02, stating that he is eligible for unemployment insurance benefits effective December 3, 2017 as long as he meets all the other eligibility requirements. The decision dated December 21, 2017, reference 02, stated the claimant had earned sufficient

wages to qualify him for benefits in a subsequent year. 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 December 13, 2017, reference 01, is dismissed. The most recent decision, dated December 21, 2017, reference 02, is affirmed.

**DECISION:**

The appeal of the unemployment insurance decision dated December 13, 2017, reference 01, is dismissed as moot. The decision issued on December 21, 2017, reference 02, is affirmed. The hearing scheduled for January 8, 2018 at 1:00 p.m. is cancelled.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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