

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RHONDA FOSTER
Claimant

APPEAL 17A-UI-09341-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/27/16
Claimant: Appellant (6R)

Iowa Code § 96.3(5)b – Training Extension Benefits
Iowa Admin. Code r. 871-24.40 Training Extension Benefits
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:

Rhonda Foster (claimant/appellant) filed an appeal from the unemployment insurance decision dated August 30, 2017, reference 01, that stated she was not eligible for department approved training as of August 27, 2017, because the training program did not have a substantial and practical curriculum to justify the use of unemployment insurance funds. The same day, Iowa Workforce Development (IWD) issued a favorable decision to the claimant dated August 30, 2017, reference 02, stating that she is eligible for department approved training as of August 20, 2017. 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 her appeal. An unemployment insurance decision dated August 30, 2017, reference 01, determined that the claimant was not eligible for department approved training as of August 27, 2017, because the training program did not have a substantial and practical curriculum to justify the use of unemployment insurance funds. On the same day, IWD issued a favorable decision to the claimant, dated August 30, 2017, reference 02, stating that she is eligible for department approved training as long as she meets all the other eligibility requirements. The claimant appealed the decision dated August 30, 2017, reference 01.

The claimant's database readout (DBRO) shows that she is currently eligible for department approved training. The agency documents maintained for the unemployment insurance decision dated August 30, 2017, reference 01, consist of the claimant's application for training extension benefits. There have been no unemployment insurance decisions issued on the claimant's claim with regard to training extension benefits.

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 reversed by subsequent agency action in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated August 30, 2017, reference 01, is dismissed. The most recent decision, dated August 30, 2017, reference 02, is affirmed. The issue related to the claimant's application for training extension benefits dated August 29, 2017 is remanded to the Benefits Bureau for an initial investigation and determination.

DECISION:

The appeal of the unemployment insurance decision dated August 30, 2017, reference 01, is dismissed. The decision issued on August 30, 2017, reference 02, is affirmed. The appeal is dismissed as moot.

REMAND:

The issue related to the claimant's application for training extension benefits dated August 29, 2017 decision, is remanded to the Benefits Bureau for an initial investigation and determination. The claimant's application for training extension benefits is maintained in the agency's records for the August 30, 2017, reference 01, decision.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn