

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARCUS D SMITH
Claimant

APPEAL 16A-UI-00103-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/12/14
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able & Available for Work
Iowa Admin. Code r. 871-24.9(2)c – Amended Decision

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 14, 2015 (reference 07) unemployment insurance decision that he was in jail for the major portions of the weeks from November 30, 2014 through December 13, 2014; and was, therefore, not able and available for work. Before a hearing was scheduled, the claimant received a favorable decision from Iowa Workforce Development dated January 15, 2016 (reference 10). This decision specifically amended the previous decision and made the issues on this appeal moot. Therefore, no testimony or additional was necessary. No hearing is needed.

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 as follows: The claimant/appellant filed an appeal from the December 14, 2015 (reference 07) unemployment insurance decision that he was not available for work because he was in jail for major portions of the weeks from November 30, 2014 through December 13, 2014. This decision was then specifically amended by a decision dated January 15 2016 (reference 10). The most recent decision (reference 10) specifically stated that the previous decision (reference 07) was issued in error and is declared null and void.

The decision dated January 15, 2016 (reference 10) made the only issue on this 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)

The decision appealed was amended in favor of the appellant, making this appeal moot. The most recent decision dated January 15, 2016 (reference 10) is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated December 14, 2015 (reference 07) is approved. The decision issued on January 15, 2016 (reference 10) is affirmed. The appeal is dismissed as moot.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

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