

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN P TWITTY
Claimant

APPEAL 18A-UI-12326-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/14/18
Claimant: Appellant (6)

Iowa Admin. Code r. 871-24.2(1)e – Re-employment Services
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security 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:

The claimant/appellant, Steven P. Twitty, filed an appeal from an unemployment insurance decision dated December 17, 2018 (reference 05) that determined he was not eligible for benefits effective December 2, 2018 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on January 10, 2019, at 2:00 p.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated December 31, 2018 (reference 07) finding that claimant was eligible for unemployment insurance benefits effective December 2, 2018 because he had participated in the reemployment and eligibility assessment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for January 10, 2019 at 2:00 p.m. was cancelled.

ISSUE:

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 17, 2018 (reference 05) determined that the claimant was not eligible for unemployment insurance benefits effective December 2, 2018, because he failed to report for a reemployment and eligibility assessment. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated December 31, 2018 (reference 07) stating that he is eligible for unemployment insurance benefits effective December 2, 2018, as long as he meets all the other eligibility requirements. The agency representative asked that the appeal be dismissed as moot. This subsequent agency 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). Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative’s decision dated December 17, 2018 (reference 05) is dismissed as moot. The hearing scheduled for January 10, 2019, at 2:00 p.m. is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated December 17, 2018 (reference 05) is approved. The appeal is dismissed as moot. The hearing scheduled on January 10, 2019, at 2:00 p.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs