

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATT D HATALA
Claimant

BOCKES & KUNKLE ENTERPRISES INC
Employer

APPEAL 17A-UI-01277-EC
ADMINISTRATIVE LAW JUDGE
DECISION

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

Iowa Code §96.5(3)a(1) – Refusal of Suitable Work
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision issued on January 23, 2017, reference 01, which stated that he was not eligible to receive unemployment insurance benefits because he refused suitable work with this employer on March 1, 2016. On February 7, 2017, a telephone hearing was scheduled for this appeal on February 24, 2017 at 3:00 p.m.

Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated February 6, 2017, reference 02, stating that he is eligible for benefits, making the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. The hearing was canceled.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant show that an unemployment insurance decision dated January 23, 2017, reference 01, determined that he was not eligible to receive unemployment insurance benefits. The claimant appealed this decision on February 3, 2017. A hearing for this appeal was scheduled on February 24, 2017 at 3:00 p.m.

Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated February 6, 2017, reference 02, stating that the claimant earned ten times his weekly benefit amount in insured work after the previous decision was issued. The decision states that the claimant is eligible for unemployment benefits as long as he meets all the other eligibility requirements. The most recent decision specifically amended the decision on appeal.

This most recent favorable decision made the issue he appealed, based on the decision dated January 23, 2017, reference 01, moot.

A department representative requested that the appeal be dismissed and the hearing be canceled, due to the most recent decision allowing benefits. The decision issued on February 6, 2017, reference 02, stated that the employer's account would not be charged for benefits paid.

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 January 23, 2017, bearing reference 01, is dismissed. The most recent decision, dated February 6, 2017, reference 02, is affirmed.

DECISION:

The department representative's request to dismiss the appeal of the unemployment insurance decision dated January 23, 2017, reference 01, is approved. The decision issued on February 6, 2017, reference 02, is affirmed. The appeal is dismissed as moot. Benefits are allowed as long as the claimant meets all the other eligibility requirements. The employer's account will not be charged.

The telephone hearing scheduled on February 24, 2017 at 3:00 p.m. is canceled.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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