

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSH L STRANG
Claimant

APPEAL 19A-UI-09647-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/06/19
Claimant: Appellant (6)**

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:

The claimant filed an appeal from the unemployment insurance decision dated November 26, 2019 (reference 01), that he was not eligible for unemployment insurance benefits as of November 17, 2019, because claimant didn't show for an assessment. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated December 24, 2019 (reference 02), stating that he is eligible for unemployment insurance benefits because he did participate in the assessment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or 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 November 26, 2019 (reference 01), determined that the claimant was not eligible for unemployment insurance benefits as of November 17, 2019, because he failed to report to Iowa Workforce Development as required. The claimant appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated December 24, 2019 (reference 02), stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The agency representative asked that the appeal be dismissed. 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 November 26, 2019 is dismissed. The most recent decision, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated December 24, 2019 is approved. The decision issued on December 24, 2019 is affirmed. The appeal is dismissed as moot.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn