

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**CYNTHIA A JUAREZ**  
Claimant

**APPEAL NO: 19A-UI-02410-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/18/18  
Claimant: Appellant (6)**

Iowa Code § 96.4(3) - Able and Available  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report  
Iowa Admin Code chapter 25- Benefit payment control  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
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, Cynthia A. Juarez, filed an appeal from an unemployment insurance decision dated March 12, 2019 (reference 01) that determined she was not eligible for benefits effective March 3, 2019 for failing to report when directed by a department representative. A telephone hearing was scheduled to be held on April 11, 2019.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated April 5, 2019 (reference 02) finding that claimant was eligible for unemployment insurance benefits effective March 3, 2019 because she had participated in the appointment. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for April 11, 2019 is canceled.

**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 her appeal. An unemployment insurance decision dated March 12, 2019 (reference 01) that determined she was not eligible for benefits effective March 3, 2019 for failing to report when directed by a department representative with the Quality Control Unit.

The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated April 5, 2019 (reference 02) finding that claimant was eligible for unemployment insurance benefits effective March 3, 2019 because she

had participated in the appointment with the Quality Control auditor, as long as she 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. There is no gap in benefits as a result of the reference 02 decision.

**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 March 12, 2019 (reference 01) is dismissed as moot. The hearing scheduled for April 11, 2019 is canceled.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated March 12, 2019 (reference 01) is approved. The appeal is dismissed as moot.

The hearing scheduled for April 11, 2019 is canceled.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn