

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRENDA S RUCHTI**  
Claimant

**APPEAL 16A-UI-13226-EC**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PROVISION LIVING LLC**  
Employer

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

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Iowa Code §96.5(2)a – Discharge for Misconduct  
Iowa Code §96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
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 December 7, 2016, reference 01, which stated that she was not eligible to receive unemployment insurance benefits because a decision made on a prior claim remained in effect. On December 16, 2016, a telephone hearing was scheduled for this appeal on January 4, 2017 at 9:00 a.m.

Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated December 23, 2016, reference 04, stating that she 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 December 7, 2016, reference 01, determined that she was not eligible to receive unemployment insurance benefits. The claimant appealed this decision on December 13, 2016. A hearing for this appeal was scheduled on January 4, 2017 at 9:00 a.m.

Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated December 23, 2016, reference 04, stating that the claimant earned ten times her 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 she meets all the other

eligibility requirements. This most recent favorable decision made the issue she appealed, based on the decision dated December 7, 2016, 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.

**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 December 7, 2016, bearing reference 01, is dismissed. The most recent decision, dated December 23, 2016, reference 04, is affirmed.

**DECISION:**

The department representative’s request to dismiss the appeal of the unemployment insurance decision dated December 7, 2016, reference 01, is approved. The decision issued on December 23, 2016, reference 04, is affirmed. The appeal is dismissed as moot. Benefits are allowed as long as the claimant meets all the other eligibility requirements.

The telephone hearing scheduled on January 4, 2017 at 9:00 a.m. is canceled.

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Emily Gould Chafa  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development

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Decision Dated and Mailed

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