

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JAY D MELICHAR**  
Claimant

**APPEAL 19A-UI-06487-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REEMPLOYMENT SERVICES**

**OC: 06/30/19**  
**Claimant: Appellant (6)**

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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 r. 871-24.2(1)e – Re-employment Services  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Jay D. Melichar, filed an appeal from an unemployment insurance decision dated August 13, 2019 (reference 04) that determined he was not eligible for benefits effective August 4, 2019 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on September 12, 2019.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated August 19, 2019 (reference 05) finding that claimant was eligible for unemployment insurance benefits effective August 4, 2019 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 September 12, 2019 at 10:00 a.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. The claimant/appellant filed an appeal from an unemployment insurance decision dated August 13, 2019 (reference 04) that determined he was not eligible for benefits effective August 4, 2019 for failing to report for a reemployment and eligibility assessment. A telephone hearing was scheduled to be held on September 12, 2019.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated August 19, 2019 (reference 05) finding that claimant was eligible for unemployment insurance benefits effective August 4, 2019 because he had participated in the reemployment and eligibility assessment. This decision made the issue on 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 August 13, 2019 (reference 04) is dismissed as moot. The hearing scheduled for September 12, 2019, at 10:00 a.m. is cancelled.

**DECISION:**

The decision dated August 13, 2019 (reference 04) remains in effect. The request to dismiss the appeal of the unemployment insurance decision dated August 13, 2019 (reference 04) is approved. The appeal is dismissed as moot.

**The hearing scheduled for September 12, 2019, at 10:00 a.m. is cancelled.**

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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