

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANDRE M JOHNSON**  
Claimant

**APPEAL 17A-UI-01343-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/11/16  
Claimant: Appellant (6)**

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Iowa Code §96.5(8) – Administrative Penalty  
Iowa Code §96.6(2) – Timeliness of Appeal  
Iowa Admin. Code r. 871-24.9(2)c – Amended Decision  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Andre Johnson, filed an appeal from the unemployment insurance decision issued on January 23, 2017, reference 01, which imposed an administrative penalty, disqualifying him from receiving benefits from 01/22/17 until 02/25/17. Before a hearing was scheduled, the claimant received a favorable decision from Iowa Workforce Development, dated December 29, 2016, reference 03. This decision and the subsequent agency action made the issues 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. The claimant/appellant, Andre Johnson, filed an appeal from the unemployment insurance decision dated January 23, 2017, reference 01, which imposed an administrative penalty, disqualifying him from benefits from 01/22/17 until 02/25/17. A subsequent decision determined that the claimant was eligible to receive benefits effective 12/11/16. The agency documents show that he received benefits during the weeks referenced in the decision on appeal, from 01/22/17 through 02/25/17. The agency representative asked that this appeal be dismissed.

The decision dated December 29, 2016, reference 03, and the subsequent agency action made the only issue on this appeal moot. Therefore, no testimony or additional evidence is necessary and no hearing is needed.

**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) An appeal may be dismissed when the issue on appeal has been resolved in the appellant’s favor. Iowa Admin. Code r. 871-26.8(1).

Subsequent agency action made this appeal moot. The only issue was resolved in the claimant’s favor. A dismissal is appropriate under these circumstances.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated January 23, 2017, reference 01, is approved. The subsequent decisions remain in effect. The appeal is dismissed as moot.

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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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