

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRENT E PINGEL
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 17A-UI-06066-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/21/17
Claimant: Appellant (6)**

Iowa Code § 96.6(3) - Appeals
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated June 12, 2017, reference 01, which found that the claimant separated from Advance Services Inc. on May 9, 2017 and a decision on that separation was made on a prior claim, which remains in effect. The decision incorrectly stated that the claimant was eligible for benefits when the prior claim decision had actually found the claimant not eligible for benefits.

Before a hearing was held, Iowa Workforce Development issued a decision amending the reference 01 decision (see decision dated June 15, 2017, reference 02) stating that claimant was not eligible for benefits due to a decision made on a prior claim. This reference 02 decision has been appealed by the claimant and a hearing has been set. The reference 02 decision made the reference 01 decision moot. Therefore, no testimony or additional evidence was necessary with regard to this appeal.

ISSUES:

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 June 12, 2017, reference 01, determined that the claimant was eligible for unemployment insurance benefits due to a decision made on a prior claim. However, the decision made on the prior claim had found that the claimant was not eligible for benefits.

Before a hearing was held, Iowa Workforce Development issued a decision dated June 15, 2017, reference 02, stating that claimant was not eligible for unemployment insurance benefits due to a decision made on a prior claim and this decision amended the reference 01 decision. This reference 02 decision made the reference 01 decision 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 reference 01 decision was amended by a reference 02 decision, making this appeal moot. The appeal of the original representative’s decision dated June 12, 2017, reference 01, is dismissed. The appeal of the decision, dated June 15, 2017, reference 02, remains set for hearing.

DECISION:

The appeal of the unemployment insurance decision dated June 12, 2017, reference 01, is dismissed as moot.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs