

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES C HOOPER
Claimant

APPEAL 21A-UI-16681-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/28/21
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
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) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant/appellant, James C. Hooper, filed an appeal from the July 23, 2021 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. A hearing was scheduled to be conducted on September 21, 2021 at 11:00 a.m. Prior to the hearing date, Iowa Workforce Development issued a second decision, dated September 8, 2021 (reference 05) which stated the reference 03 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to the parties and the claimant’s appeal: The claimant/appellant, James C. Hooper, filed an appeal from the July 23, 2021 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. A hearing was scheduled to be conducted on September 21, 2021 at 11:00 a.m. Prior to the hearing date, Iowa Workforce Development issued a second decision, dated September 8, 2021 (reference 05) which stated the reference 03 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary.

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 Dept.*, 335 N.W.2d 439, 442 (Iowa 1983).

The decision appealed was amended making this appeal moot. The appeal of the original representative’s decision dated July 23, 2021 (reference 03) is dismissed as moot.

The hearing scheduled for 11:00 a.m. on September 21, 2021 is cancelled.

DECISION:

The appeal of the unemployment insurance decision dated July 23, 2021 (reference 03) is dismissed as moot.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

September 16, 2021
Decision Dated and Mailed

jlb/mn