

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVE R NISSLY
Claimant

APPEAL 15A-UI-13161-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/15/15
Claimant: Appellant (6)

Iowa Code § 96.4(4) – Minimum Insured Wages
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
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 filed an appeal from the November 25, 2015, reference 01, unemployment insurance decision that he failed to earn insured wages of at least \$250 during or after the previous benefit year. This decision denied benefits as of 11/15/15. A telephone hearing was scheduled on December 16, 2015 at 2:00 p.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated December 10, 2015. This decision made the issues on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds as follows: The claimant/appellant filed an appeal from the November 25, 2015, reference 01, unemployment insurance decision that he was not paid insured wages of at least \$250 either during or after the previous benefit year. This decision denied benefits as of November 15, 2015.

A telephone hearing was scheduled for this appeal on December 16, 2015 at 2:00 p.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated December 10, 2015, reference 03.

The decision dated December 10, 2015, reference 03, stated that he is eligible for benefits, and further stated that he was paid insured wages of at least \$250 dollars since his previous benefit year. This decision also stated that he is eligible to receive benefits as of November 15, 2015.

This most recent decision made the only issues on 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)

The decision appealed was amended in favor of the appellant, making this appeal moot. The most recent decision, dated December 10, 2015, reference 03, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated November 25, 2015 (reference 01) is approved. The decision issued on December 10, 2015 (reference 03) is affirmed. The appeal is dismissed as moot. Benefits are allowed, as stated in the most recent decision. The hearing scheduled on December 16, 2015 at 2:00 p.m. is canceled.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/css