

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA R GARCIA
Claimant

APPEAL 17A-UI-10778-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/08/17
Claimant: Appellant (6)**

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

Maria R. Garcia (claimant/appellant) filed an appeal from the unemployment insurance decision dated October 18, 2017, reference 01, that found she was not eligible for unemployment insurance benefits as of October 8, 2017, because she had not worked and earned eight times her weekly benefit amount making her eligible for benefits in a subsequent benefit year. Before a hearing was held, Iowa Workforce Development (IWD) issued a favorable decision to the claimant; dated October 26, 2017, reference 03, stating that she is eligible for unemployment insurance benefits because she did earn sufficient wages to be eligible for benefits in the subsequent benefit year. This decision made the issue 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 her appeal. An unemployment insurance decision dated October 18, 2017, reference 01, determined that the claimant was not eligible for unemployment insurance benefits as of October 8, 2017, because she did not earn sufficient wages to be eligible for benefits in a subsequent benefit year. The claimant appealed this decision.

Before a hearing was held on the decision, IWD issued a favorable decision to the claimant; dated October 26, 2017, reference 03, stating that she is eligible for unemployment insurance benefits as long as she meets all the other eligibility requirements. This decision resolved the only issue on appeal in the claimant's favor, making the 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)

The decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated October 18, 2017, reference 01, is dismissed. The most recent decision, dated October 26, 2017, reference 03, is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated October 18, 2017, reference 01, is dismissed. The decision issued on October 26, 2017, reference 03, is affirmed. The appeal is dismissed as moot. The hearing scheduled on November 8, 2017, at 10:00 a.m. is cancelled.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn