

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TAMMY L HAMERNICK**  
Claimant

**APPEAL 18A-UI-01243-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 12/10/17**  
**Claimant: Appellant (6)**

Iowa Code §96.5 – Requalification for benefits  
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:**

The claimant/appellant filed an appeal from the unemployment insurance decision dated January 2, 2018 (reference 01) that found she was not eligible for benefits since a disqualifying separation from Wal-Mart Stores occurred on October 13, 2017. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated January 30, 2018, (reference 05), stating that she is eligible for unemployment insurance benefits because claimant left employment for the sole purpose of accepting employment with a new employer. The decision further stated that Wal-Mart Stores Inc. will not be charged for benefits paid. 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 his appeal. An unemployment insurance decision dated January 2, 2018 (reference 01) determined that the claimant was not eligible for unemployment insurance benefits. The claimant appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated January 30, 2018 (reference 05) stating that she is eligible for unemployment insurance benefits as long as she meets all the other eligibility requirements. The agency representative asked that the appeal be dismissed. 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 January 2, 2018 (reference 01) is dismissed as moot. The most recent decision, dated January 30, 2018 (reference 05) is affirmed.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated January 2, 2018 (reference 01) is approved. The decision issued on January 30, 2018 (reference 05) is affirmed. The appeal is dismissed as moot.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs