

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**CHARLES L SALTOU**  
Claimant

**APPEAL NO: 19A-UI-00876-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/23/18**  
**Claimant: Appellant (6)**

Iowa Code § 96.4(3) - Able and Available  
Iowa Admin. Code r. 871-24.2(1)e – Notice to Report  
Iowa Admin. Code r. 871-24.23(11) – Failure to Report  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Appeal Dismissal  
Iowa Admin. Code r. 871-24.19(3) – Subsequent Agency Action

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 30, 2019, (reference 01) unemployment insurance decision that concluded the claimant was ineligible to receive benefits effective January 20, 2019. The claimant was properly notified about the hearing. A telephone hearing was scheduled for February 14, 2019. The claimant participated personally. The hearing was held as a consolidated hearing with Appeal 19A-UI-00877-JC-T and Appeal 19A-UI-00878-JC-T. Before the scheduled hearing, the agency issued a subsequent initial decision (reference 03), amending the reference 01 decision. The reference 03 decision was appealed is addressed in Appeal 19A-UI-00878-JC-T.

**ISSUE:**

Should the appeal be dismissed as moot based on subsequent agency action?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim effective December 23, 2018 in response to a seasonal layoff. A reference 01 initial decision was rendered, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative. The reference 03 decision amended the reference 01 decision, concluding the claimant was ineligible for benefits effective January 20, 2019 because he failed to report as directed by a department representative. The only difference between the two documents was the reference 01 decision listed the employer account number as 000000-000, and the reference 03 decision listed the employer account number as 999999-999.

The reference 03 decision was appealed and is addressed through Appeal 19A-UI-00878-JC-T.

**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 only issue on this appeal is now moot because the decision was amended by subsequent agency action. The amended (reference 03) decision was appealed and is addressed through Appeal 19A-UI-00878-JC-T.

**DECISION:**

The appeal of the unemployment insurance decision dated January 30, 2019, (reference 01) is dismissed as moot.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn