

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**STEPHANIE A ASHLINE**  
Claimant

**APPEAL NO: 18A-UI-11521-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/02/18  
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 Admin. Code r. 871-24.2(1)e – Failure to Report  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated November 7, 2018 (reference 02). On December 13, 2018, after proper notice to the parties, a telephone hearing was scheduled and conducted. The claimant and Stacy Perkins, Workforce Advisor, participated. On the same day, the department representative notified the claimant and administrative law judge that a new decision would be rendered, allowing the claimant benefits. The department representative submitted a request that the appeal be dismissed.

**ISSUE:**

Should the appeal be dismissed as moot based on the Department's motion?

**FINDINGS OF FACT:**

The available information in the Department's administrative file establishes the following facts: The department issued a decision on November 7, 2018, reference 02, denying benefits as of November 4, 2018 and continuing until the claimant reported for a reemployment and eligibility assessment. The department later issued a decision on December 14, 2018, reference 03, stating that the claimant is eligible for benefits beginning on November 4, 2018, as a result of the claimant's participation.

The department representative requested that the appeal be dismissed. The most recent decision, issued on December 14, 2018, reference 03, makes it clear that the only issue on

appeal was resolved in the claimant/appellant's favor. The December 14, 2018, reference 03 decision resolves the only issue on appeal in the claimant/appellant's favor without a gap in her unemployment insurance eligibility.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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 administrative law judge has reviewed the records and files herein and concludes that the request to dismiss the appeal should be approved. The only issue on this appeal is now moot.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated November 7, 2018 (reference 02) is approved. The decision issued on December 14, 2018 (reference 03) is affirmed. The appeal is dismissed as moot.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn