

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MANUEL A LIVELY**  
Claimant

**APPEAL 22A-UI-07652-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/06/22  
Claimant: Appellant (6)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.2(1)e – Re-employment Services  
Iowa Code Ch. 96 – Iowa Employment Security 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:**

Claimant filed an appeal to the March 16, 2022 (reference 05) decision that denied benefits for the week of March 13, 2022, concluding claimant was not able and available for work. A telephone hearing was scheduled for May 11, 2022 at 3:00 p.m. Prior to the hearing, IWD issued a reference 09 decision on April 8, 2022, which reversed the 05 decision, and found claimant was able and available for work effective March 13, 2022. The subsequent agency action made the only issue on appeal moot. No hearing was held.

**ISSUE:**

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. Claimant filed an appeal to the March 23, 2022 (reference 05) decision that denied benefits for the week of March 13, 2022, concluding claimant was not able and available for work. A telephone hearing was scheduled for May 11, 2022 at 3:00 p.m. Prior to the hearing, IWD issued a reference 10 decision on April 8, 2022, which reversed the 05 decision, and found claimant was able and available for work effective March 13, 2022.

This subsequent agency decision resolved the 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).

Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative’s decision dated March 16, 2022 (reference 05) is dismissed as moot. The initial decision dated April 8, 2022 (reference 09) is affirmed. The hearing scheduled for May 11, 2022 is cancelled.

**DECISION:**

The decision dated April 8, 2020 (reference 09) remains in effect. The appeal of the unemployment insurance decision dated March 16, 2022 (reference 05) is dismissed as moot.



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May 20, 2022  
Decision Dated and Mailed

jlb/scn