CLAYTON L BOWLES Claimant	**APPEAL 18A-UI-04942-EC-T** **ADMINISTRATIVE LAW JUDGE** **DECISION**
TYSON FRESH MEATS INC Employer	
	OC: 03/25/18 **Claimant: Appellant (6)**

Iowa Code §96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-24.9(2)(c) – Newly Discovered Facts
Iowa Admin. Code r. 871-24.28(6),(8) – Prior Adjudication
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.11 – Motions
Iowa Admin. Code r. 871-26.8 – Motion to Dismiss

STATEMENT OF THE CASE:

The claimant/appellant, Clayton Bowles, filed an appeal from the unemployment insurance decision issued on April 16, 2018, reference 01, which stated that he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with this employer on October 10, 2017. On May 1, 2018, a telephone hearing was scheduled for this appeal on May 16, 2018 at 11:00 a.m.

Before the hearing date, the claimant received favorable decisions from Iowa Workforce Development, both dated May 10, 2018, reference 03, and reference 04, stating that he is eligible for benefits, making the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. The hearing was canceled.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant show that an unemployment insurance decision dated April 16, 2018, reference 01, determined that he was not eligible to receive unemployment insurance benefits. The claimant appealed this decision on April 26, 2018. A hearing for this appeal was scheduled on May 16, 2018 at 11:00 a.m.

Before the hearing date, Iowa Workforce Development issued two favorable decisions to the claimant, both dated May 10, 2018.

The decision dated May 10, 2018, reference 03, stated that the reference 01 decision issued on April 16, 2018 was issued in error and is now declared null and void.

The decision dated May 10, 2018, reference 04, states that the claimant is eligible for unemployment benefits as long as he meets all the other eligibility requirements. This reference 04 decision states that a decision made on this claimant's separation from this employer was made on a prior claim and remains in effect.

These most recent favorable decision made the issue he appealed, based on the decision dated April 16, 2018, reference 01, moot.

A department representative requested that the appeal be dismissed and the hearing be canceled, due to the most recent decisions allowing benefits. The most recent decisions make it clear that the only issue on this appeal is now 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 April 16, 2018, bearing reference 01, is dismissed. The most recent decisions, dated May 10, 2018, reference 03 and reference 04, are affirmed.

DECISION:

The department representative's request to dismiss the appeal of the unemployment insurance decision dated April 16, 2018, reference 01, is approved. The decision issued on May 10, 2018, reference 03, is affirmed. The decision issued on May 10, 2018, reference 04, is affirmed. The appeal is dismissed as moot. Benefits are allowed as long as the claimant meets all the other eligibility requirements.

The telephone hearing scheduled on May 16, 2018 at 11:00 a.m. is canceled.

_____
Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

_____
Decision Dated and Mailed

ec/rvs