

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE L JIMENEZ

Claimant

APPEAL 21A-UI-10332-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/30/20

Claimant: Appellant (6)

Iowa Code § 96.6(2) – Timeliness of Appeal
PL 116-136, sec. 2107 – Federal Pandemic Emergency Unemployment Compensation
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, Jose L. Jimenez, filed an appeal from the unemployment insurance decision dated April 1, 2021 (reference 01), that he was not eligible for Federal Pandemic Emergency Unemployment Compensation (“PEUC”) benefits as of March 7, 2021, because he was eligible for regular unemployment insurance benefits in the State of Wyoming. Before a hearing was scheduled, Iowa Workforce Development issued an amended decision to the claimant, dated April 2, 2021 (reference 02). This subsequent decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

ISSUES:

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 March 31, 2021 (reference 01), that he was not eligible for Federal Pandemic Emergency Unemployment Compensation (“PEUC”) benefits as of March 7, 2021, because he was eligible for regular unemployment insurance benefits in the State of Wyoming. The claimant appealed this decision.

Subsequently, the agency issued an unemployment insurance decision dated April 2, 2021 (reference 02), amending the reference 01 decision and clarifying that claimant was not eligible for Federal Pandemic Emergency Unemployment Compensation (“PEUC”) benefits as of March 7, 2021, because he was eligible for regular unemployment insurance benefits in the State of Wyoming *and the State of Indiana*. This decision supplanted the reference 01 decision, rendering claimant’s appeal of the reference 01 decision moot.

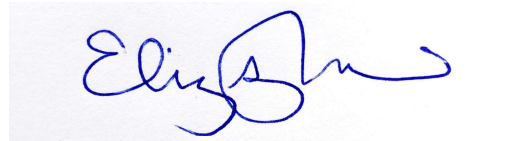
REASONING AND CONCLUSIONS OF LAW:

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 and supplanted by the reference 02 decision. The appeal of the original representative's decision dated March 31, 2021 (reference 01) is dismissed.

DECISION:

The appeal of the unemployment insurance decision dated April 1, 2021 (reference 01) is dismissed as moot.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515)478-3528

July 8, 2021
Decision Dated and Mailed

lj/kmj