

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KEVIN P WALLACE**  
Claimant

**APPEAL 15A-UI-14278-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/22/15  
Claimant: Appellant (6)**

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Iowa Admin. Code r. 871-24.2(1)(g) – Continuing Claim for Benefits  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the December 22, 2015, reference 01, unemployment insurance decision denying his request for retroactive benefits. This decision denied benefits from 11/22/15 until 11/28/15. A telephone hearing was scheduled on January 21, 2016 at 10:00 a.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated January 6, 2016. This decision made the only issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

**ISSUES:**

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

**FINDINGS OF FACT:**

The administrative law judge takes official notice of the pertinent agency documents relating to this claimant and finds as follows: An unemployment insurance decision dated December 22, 2015, reference 01, denied the claimant's request for retroactive benefits. This decision denied benefits from 11/22/15 until 11/28/15. The claimant appealed this decision.

A telephone hearing was scheduled for this appeal on January 21, 2016 at 10:00 a.m. Prior to the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated January 6, 2016, reference 02.

The decision dated January 6, 2016, reference 02, stated that the decision issued on December 21, 2015, reference 01, is now declared null and void. This decision also stated: "The claim is being paid for the week ending 11-28-15."

This most recent decision made the only issues on appeal moot. Therefore, no testimony or additional evidence is necessary and no hearing is needed.

**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 most recent decision, dated January 6, 2016, reference 02, is affirmed.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated December 22, 2015 (reference 01) is approved. The decision issued on January 6, 2016 (reference 02) is affirmed. The appeal is dismissed as moot. Benefits are allowed for the week of November 28, 2015, as stated in the most recent decision. The hearing scheduled on January 21, 2016 at 10:00 a.m. is canceled.

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Emily Gould Chafa  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

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Decision Dated and Mailed

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