

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BART J JACOBSON
Claimant

APPEAL 21A-UI-12315-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/13/20
Claimant: Appellant (6)

Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On May 10, 2021, Bart Jacobson (claimant/appellant) filed an appeal from the unemployment insurance decision dated May 5, 2021 (reference 02) that determined he was overpaid benefits in the amount of \$8,410.00 based on an administrative law judge (ALJ) decision dated May 3, 2021 which denied benefits.

Before a hearing was held, claimant appealed the May 3, 2021 decision to the Employment Appeal Board (EAB). The EAB issued a July 6, 2021 decision which reversed the ALJ decision and vacated and set aside any overpayment which have been entered against claimant as a result. See 21B-UI-05766. This decision made the issue on appeal moot. Therefore, no testimony was necessary and no hearing was held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The decision appealed has been resolved in favor of the appellant by the EAB decision dated July 6, 2021. See 21B-UI-05766.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge dismisses the appeal.

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

Withdrawals, dismissals, and postponements.

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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). As the agency resolved the prior disqualification in favor of the appellant prior to the hearing, there is no issue for the administrative law judge to adjudicate rendering the appeal moot.

DECISION:

The appeal of the unemployment insurance decision dated May 5, 2021 (reference 02) is dismissed, as it is moot. Any overpayment has been vacated and set aside by the EAB.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

July 16, 2021
Decision Dated and Mailed

abd/mn