

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY A SCHENSE
Claimant

APPEAL 18A-UI-01969-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/07/18
Claimant: Appellant (6)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the unemployment insurance decision dated February 8, 2018, reference 03 that established an overpayment of benefits. A telephone hearing was scheduled on March 09, 2018 at 9:05 a.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated February 15, 2018, reference 05. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 05 representative's decision), no testimony was necessary and no hearing was held.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant/appellant filed an appeal from the unemployment insurance decision dated February 8, 2018, reference 03, which established an overpayment of benefits. A telephone hearing was scheduled for this appeal on March 9, 2018, at 9:05 a.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated February 15, 2018, reference 05 and specifically stated that the reference 03 decision was null and void. This most recent decision made the issue on appeal moot. Therefore, no testimony or additional evidence is necessary. 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)

Since the decision appealed has been amended in favor of the appellant (by the reference 05 decision), the appeal for reference 03 decision is moot. The decision issued on February 15, 2018, reference 05, is affirmed.

The hearing for March 9, 2018 at 9:05 a.m. is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated February 8, 2018, reference 03, is approved. The appeal is dismissed as moot. The decision issued on February 15, 2018, reference 05, is affirmed.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn