

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**METHUSELAH K GEE**  
Claimant

**APPEAL 19A-UI-04699-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/12/19**  
**Claimant: Appellant (2)**

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 5, 2019, (reference 04) unemployment insurance decision that found the claimant overpaid unemployment insurance benefits. After due notice was issued, a hearing was scheduled to be held on July 8, 2019. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 06 representative's decision), no testimony was necessary and no hearing was held.

**ISSUE:**

Should the representative's decision be reversed so as to be consistent with subsequent agency action?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 06 representative's decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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, the original representative's decision bearing reference 04 is reversed.

**DECISION:**

The June 5, 2019, (reference 04) unemployment insurance decision is reversed to be consistent with subsequent agency action. The claimant has not been overpaid unemployment insurance benefits. The hearing set for July 8, 2019 at 1:05 p.m. is cancelled.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/rvs