

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TASHA T STOKES**  
Claimant

**APPEAL 20A-UI-13392-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**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 October 28, 2020, Tasha T. Stokes (claimant/appellant) filed an appeal from the unemployment insurance decision dated October 23, 2020, reference 04, which determined she had been overpaid unemployment insurance benefits. Before a hearing was scheduled or held, the agency issued a favorable decision to the appellant, dated November 9, 2020, reference 06. 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 administratively resolved in favor of the appellant by the unemployment insurance decision dated November 9, 2020, reference 06.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 eliminated the overpayment and issued a decision 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 October 23, 2020, reference 04, is dismissed as it is moot.



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Stephanie R. Callahan  
Administrative Law Judge

November 19, 2020  
Decision Dated and Mailed

src/scn