

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE J WILSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-03334-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/30/18
Claimant: Appellant (1)

Iowa Code § 96.16(4) – Offenses and Misrepresentation

STATEMENT OF THE CASE:

On April 21, 2020, Molly Wilson filed an appeal from the April 13, 2020 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded Kyle J. Wilson (claimant/appellant) was not eligible for benefits due to an unpaid fraud overpayment balance.

The parties were properly notified of the hearing. A telephone hearing was held on May 20, 2020. Ms. Wilson participated personally. IWD chose not to participate via live testimony but did submit proposed exhibits. Department Exhibits 1-5 were admitted into evidence. Claimant’s Exhibit 1 was also admitted into evidence. The administrative law judge took official notice of the administrative record.

ISSUE:

Does Ms. Wilson have legal standing to appeal the overpayment decision?

FINDINGS OF FACT:

Claimant passed away on February 10, 2020. Claimant and Ms. Wilson were legally married prior to his passing. Ms. Wilson received the overpayment decision on February 19, 2020. Shortly thereafter, she contacted the Integrity Bureau of IWD and mailed to IWD a flier from claimant’s funeral. She received no response from IWD. Claimant continued to reach out to IWD representatives and was told to “wait for a decision.” She finally decided to simply appeal the overpayment decision.

Ms. Wilson reports claimant died intestate; no estate has been opened; and she does not hold power of attorney for him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Ms. Wilson does not have legal standing to challenge the April 13, 2020 (reference 03) decision.

Courts generally refuse to decide disputes in cases where the party asserting an issue is not properly situated to seek an adjudication. *Godfrey v. State*, 752 N.W.2d 413, 417 (Iowa 2008). In order to have standing, a person “must (1) have a specific personal or legal interest in the litigation and (2) be injuriously affected.” *Citizens for Responsible Choices v. City of Shenandoah*, 686 N.W.2d 470, 475 (Iowa 2004). Notably, the Iowa Administrative Procedure Act similarly limits access to judicial review of an agency action to “a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action.” Iowa Code § 17A.19.

Ms. Wilson has not shown that she has a specific personal or legal interest in the decision finding claimant is ineligible for benefits and is injuriously affected by it. The decision obviously does not directly implicate Ms. Wilson, as she was not personally found to be ineligible for benefits.

In certain circumstances, Ms. Wilson could be eligible for benefits due to claimant. See Iowa Admin Code r. 871-25.14. However, it does not appear claimant is due any benefits. The overpayment decision itself remains in full force and effect, and claimant last filed a claim for benefits for the week ending March 23, 2019. During that week, claimant reported earnings well beyond the weekly benefit amount and as such was not paid benefits. See 20A-UI-03333-AD-T.

Given the facts and circumstances as they exist today, it would be at best speculative for the administrative law judge to find Ms. Wilson has legal standing to challenge the decision finding claimant ineligible for benefits. The decision therefore remains in full force and effect and the appeal is dismissed.

DECISION:

The April 13, 2020 (reference 03) decision finding claimant ineligible for benefits remains in full force and effect, as Ms. Wilson does not have legal standing to challenge the decision. The appeal is dismissed.



Andrew B. Duffelmeyer
Administrative Law Judge
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May 29, 2020
Decision Dated and Mailed

abd/mh