

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN P TWITTY
Claimant

APPEAL 18A-UI-12327-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/14/18
Claimant: Appellant (6)

Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant, Steven P. Twitty, filed an appeal from an unemployment insurance decision dated December 20, 2018 (reference 06) that determined he was overpaid unemployment insurance benefits for one week between December 2, 2018 and December 8, 2018 due to a decision dated December 17, 2018 that disqualified him from receiving benefits. A telephone hearing was scheduled to be held on January 10, 2019, at 2:05 p.m.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated December 31, 2018 (reference 08) finding that claimant's overpayment amount was reduced to \$0.00. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled for January 10, 2019 at 2:05 p.m. was cancelled.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. An unemployment insurance decision dated December 20, 2018 (reference 06) determined that the claimant was overpaid unemployment insurance benefits for one week between December 2, 2018 and December 8, 2018 due to a decision dated December 17, 2018 that disqualified him from receiving benefits. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated December 31, 2018 (reference 08) stating that the claimant's overpayment amount was reduced to \$0.00. The agency representative asked that the appeal be dismissed as moot. This subsequent agency decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

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). Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative’s decision dated December 20, 2018 (reference 06) is dismissed as moot. The hearing scheduled for January 10, 2019, at 2:05 p.m. is cancelled.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated December 20, 2018 (reference 06) is approved. The appeal is dismissed as moot. The hearing scheduled on January 10, 2019, at 2:05 p.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs