

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY S PORTER
Claimant

APPEAL 18A-UI-07619-H2

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/22/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the July 9, 2018, (reference 07) unemployment insurance decision that found the claimant overpaid unemployment insurance benefits. After due notice was issued, a hearing was scheduled to be held on August 2, 2018 in Des Moines, Iowa. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 08 representative's decision), no testimony was necessary and no hearing will be 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 08 representative's decision. The agency has reduced her overpayment amount to zero (\$0.00).

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).

As the claimant's overpayment decision at issue in this case has been reversed by subsequent agency action. No hearing is necessary.

Since the decision appealed has been amended in favor of the appellant, the original representative's decision bearing reference 07 is reversed.

DECISION:

The July 9, 2018, (reference 07) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits. The hearing scheduled for August 2, 2018 at 1:00 p.m. in Des Moines, Iowa is cancelled.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs