

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SANDRA Y LOPEZ DE LOPEZ
Claimant

APPEAL NO: 18A-UI-09303-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/05/18
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 30, 2018, (reference 03) unemployment insurance decision that concluded she was overpaid unemployment insurance benefits. A telephone hearing was scheduled on September 24, 2018 at 2:05 p.m. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated September 12, 2018, reference 04. This decision made the issues on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUE:

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant establish the following facts: The claimant/appellant filed an appeal from the unemployment insurance decision dated August 30, 2018, reference 03, establishing an overpayment of unemployment insurance benefits as of August 5, 2018. The overpayment was based upon a prior decision (reference 02) which stated that she did not meet the eligibility requirements because she had not proven citizenship or proof she is legally authorized to work in the United States.

A telephone hearing was scheduled for this appeal on September 24, 2018. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated September 12, 2018, reference 04. The decision dated September 12, 2018, reference 04, specifically stated that she had established sufficient proof to legally work in the United States and eligibility, and allowed benefits without a gap in coverage. Accordingly, the unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed (See reference 04 decision/ Appeal 18A-UI-09302-JC-T).

This most recent decision made the only issue on appeal moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

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)

The decision appealed was specifically amended in favor of the appellant, making this appeal moot. Thus, the original decision issue August 30, 2018, (reference 03) is reversed to be consistent with subsequent agency action. The claimant was not overpaid benefits.

The hearing scheduled on September 24, 2018 at 2:05 p.m. is canceled.

DECISION:

The appeal of the unemployment insurance decision dated August 30, 2018, (reference 03), is reversed to be consistent with subsequent agency action. The claimant has not been overpaid benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn