

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ROXANNE M WILSON-BROWN**  
Claimant

**APPEAL NO: 21A-UI-11028-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (6R)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Code § 96.7(3) –Lost Wages Assistance (LWAP)  
Iowa Code Section 96.6(4) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 16, 2021, (reference 07) unemployment insurance decision that concluded she was overpaid \$1,500.00 in LWA benefits. After proper notice, a telephone hearing was conducted on July 7, 2021. The hearing was held together with Appeals 21A-UI-11019-JC-T, 21A-UI-11020-JC-T, 21A-UI-11025-JC-T, and 21A-UI-11026-JC-T. The claimant participated personally. Official notice of the administrative records was taken.

**ISSUES:**

Whether the overpayment issue addressed in the April 16, 2021, (reference 07) decision was previously adjudicated, and whether that prior adjudication remains in effect.  
Whether the appeal in this matter should be dismissed.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 15, 2020.

The claimant received federal unemployment insurance benefits through Lost Wages Assistance Program (LWAP). Claimant received \$1,500.00 in LWA benefits for the period of August 1, 2020 and 29, 2020.

An initial decision dated January 21, 2021 (reference 01) allowed benefits to claimant. Employer appealed the decision and a telephone hearing was conducted on April 7, 2021. Claimant did not attend. The initial decision that allowed benefits was reversed as a result of the hearing. The claimant was disqualified from benefits in a decision of the administrative law judge in appeal 21A-UI-04339-S1-T.

In the administrative law judge's decision, she specifically addressed the issues of whether claimant has been overpaid LWAP benefits for the same period as referenced above. Claimant did not appeal the administrative law judge's decision.

On April 16, 2021, an Iowa Workforce Development Benefits Bureau deputy entered the reference 07 decision that held the claimant was overpaid \$1,500.00 in LWA benefits for the period of August 1, 2020 and August 29, 2020, due to an earlier decision that disqualified her for benefits. In other words, the reference 07 decision duplicates the administrative law judge's decision concerning the overpayment and recovery of LWAP benefits.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid LWAP benefits.

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).

Iowa Code section 96.6 creates the jurisdictional structure and parameters by which unemployment insurance issues are to be decided. The Benefits Bureau serves as the first-level decision maker. The Appeals Bureau serves as the second-level adjudicator. The Employment Appeal Board serves as the third-level adjudicator. Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). It causes jurisdictional issues when the Benefits Bureau enters a decision that duplicates an administrative law judge's prior decision or that of the Employment Appeal Board.

The issue of whether the claimant was overpaid \$1,500.00 in LWAP benefits for the weeks between August 1, 2020 and August 29, 2020 and whether that the claimant must repay those benefits was adjudicated by the administrative law judge decision in Appeal Number 21A-UI-04339- S1-T. That decision remains in effect.

The Benefits Bureau lacked jurisdiction to enter the April 16, 2021, reference 07, decision that duplicated the administrative law judge decision in Appeal Number 21A-UI-04339- S1-T. The undersigned administrative law judge would have no authority to hear what is in essence an appeal from another administrative law judge's decision. This administrative law judge cannot adjudicate an issue that has already been adjudicated in a separate decision. The appeal is dismissed as moot.

This matter will be remanded to the Benefits Bureau for deletion of the duplicative April 16, 2021 (reference 07) decision.

**DECISION:**

The overpayment of \$1,500.00 in LWAP benefits for the weeks between August 1, 2020 and August 29, 2020 and, as established in Appeal Number 21A-UI-04339- S1-T remains in effect. The appeal is dismissed as moot and therefore dismissed.

The April 16, 2021 (reference 07) duplicated that previously adjudicated issue and will remain in place until the Benefits Bureau deletes that duplicative and unnecessary decision.

This matter is **remanded** to the Benefits Bureau for deletion of the April 16, 2021 (reference 07), decision.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

July 19, 2021  
Decision Dated and Mailed

jlb/mh

*Note to Claimant:*

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>