

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

AARRON ROBERTSON
Claimant

APPEAL NO: 21R-UI-20144-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
INVESTIGATION & RECOVERY**

OC: 01/05/20
Claimant: Appellant (2)

Public Law 116-136, Section 2102 – Pandemic Unemployment Assistance
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 25, 2021, (reference 09) decision that held the claimant was overpaid \$2,552.00 in Pandemic Unemployment Assistance (PUA) for eight weeks ending January 2, 2021, due to an erroneous Agency approval of PUA benefits despite lack of evidence the claimant had a dependent child in his custody for whom he provided full-time supervision.

A notice of hearing was mailed to the claimant's last-known address of record for a telephone hearing to be held at 10:05 a.m. on June 18, 2021. There were five appeal numbers set for a consolidated hearing: 21A-UI-09516-JT-T, 21A-UI-09532-JT-T, 21A-UI-09533-JT-T, 21A-UI-09536-JT-T, and 21A-UI-095398-JT-T. A review of the Appeals Bureau's conference call system indicates that the claimant/appellant failed to respond to the hearing notice instructions to register a telephone number at which the claimant could be reached for the hearing. The hearing was dismissed.

The claimant/appellant requested reopening of the hearing record, and the Employment Appeal Board (EAB) remanded the matter for a new hearing. After proper notice, a telephone hearing was conducted on November 8, 2021. The claimant participated. There were five appeals number set for a consolidated hearing: 21R-UI-20144-JC-T, 21R-UI-20143-JC-T, 21R-UI-20145-JC-T, 21R-20146-JC-T, 21R-20147-JC-T. The administrative law judge took official notice of the administrative records.

ISSUE:

Is the claimant overpaid PUA benefits?

FINDINGS OF FACT:

Claimant established his claim for benefits with an effective date of January 5, 2020. Claimant appealed the March 25, 2021, reference 09, decision that held the claimant was overpaid \$2,552.00 in Pandemic Unemployment Assistance (PUA) for eight weeks ending January 2, 2021, due to an erroneous Agency approval of PUA benefits.

IWD then issued a subsequent decision dated November 16, 2021 (reference 13) which stated the reference 09 decision was issued in error and therefore null and void. This decision made the issue on appeal 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).

The reference 09 initial decision appealed was amended (through the reference 13 initial decision) in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated the March 25, 2021, reference 09 is dismissed as moot. There are currently no outstanding appeals. Claimant is not overpaid PUA benefits.

DECISION:

The March 25, 2021, (reference 09), decision that held the claimant was overpaid \$2,552.00 in Pandemic Unemployment Assistance (PUA) for the eight weeks ending January 2, 2021 is reversed due to subsequent agency action. The claimant is not overpaid PUA benefits.



Jennifer L. Beckman
Administrative Law Judge
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Des Moines, Iowa 50319-0209
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December 20, 2021

Decision Dated and Mailed

jlb/abd