

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KRISTY L HARKEN**  
Claimant

**COMMUNITY HEALTH PARTNERS LLC**  
Employer

**APPEAL 22A-UI-11404-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Code § 96.1A(37) – Total, Partial, and Temporary Unemployment  
Iowa Code Ch. 17A – Iowa Administrative Procedure 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, Kristy L. Harken, filed an appeal from the unemployment insurance decision dated April 22, 2022 (reference 02), that she was overpaid regular unemployment insurance benefits based on a failure to correctly report wages earned with employer Community Health Partners L.L.C. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated May 4, 2022 (reference 04), stating that the reference 02 decision was null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

**ISSUES:**

Should the most recent unemployment insurance decision be affirmed?  
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. Iowa Workforce Development issued an unemployment insurance decision dated April 22, 2022 (reference 02), stating claimant Kristy L. Harken was overpaid regular unemployment insurance benefits based on a failure to correctly report wages earned with employer Community Health Partners L.L.C. The claimant appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated May 4, 2022 (reference 04), stating that the prior reference 02 decision was issued in error and is now null and void. This reference 04 decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

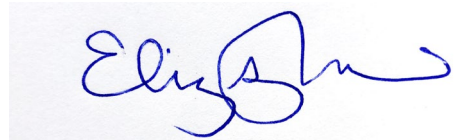
**REASONING AND CONCLUSIONS OF LAW:**

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 decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated April 22, 2022 is dismissed. The most recent decision, dated May 4, 2022 is affirmed.

**DECISION:**

The decision issued on May 4, 2022 is affirmed. The appeal of the decision dated April 22, 2022 (reference 02) is dismissed as moot.



---

Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

May 18, 2022  
Decision Dated and Mailed

lj/lj