

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ESSODINA A KEWORE
Claimant

APPEAL 17A-UI-07310-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/15/17
Claimant: Appellant (6)**

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
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

Essodina A. Kewore (claimant/appellant) filed an appeal from the unemployment insurance decision dated July 18, 2017, reference 08, that found he was overpaid unemployment insurance benefits for the three-week period ending July 8, 2017, because of a decision issued by an administrative law judge. A hearing was scheduled for August 4, 2017 and due notice was issued. Before the hearing could be held, Iowa Workforce Development (IWD) issued a favorable decision to the claimant, dated July 28, 2017, reference 10, stating that the decision issued July 18, 2017, reference 08, was issued in error and was null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was 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. An unemployment insurance decision dated July 18, 2017, reference 08, determined the claimant was overpaid unemployment insurance benefits for the three-week period ending July 8, 2017. The claimant appealed this decision. Before a hearing was held, IWD issued a favorable decision to the claimant, dated July 28, 2017, reference 10, stating that the appealed decision was issued in error and is null and void. The agency representative asked that the appeal be dismissed. This 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 found to be null and void which was in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated July 18, 2017, reference 08, is dismissed. The most recent decision, dated July 28, 2017, reference 10, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated July 18, 2017, reference 08, is approved. The decision issued on July 28, 2017, reference 10, is affirmed. The appeal is dismissed as moot. The hearing scheduled for 4:00 p.m. on Friday, August 4, 2017 is cancelled.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn