

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SUSAN M LYNCH**  
Claimant

**APPEAL NO. 24A-UI-04178-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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Iowa Admin. Code R. 87126.8(1) – Dismissal of Appeal  
Iowa Admin. Code R. 87124.19(3) – Agency Modification or Reversal of Prior Decision.

**STATEMENT OF THE CASE:**

On April 26, 2024, Susan Lynch (claimant) filed a timely appeal from the April 18, 2024 (reference 08) decision that held the claimant was not eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance and that the claimant would have to pay the balance, plus penalty, interest and lien fees in full before she could become eligible for benefits, provided she met all other eligibility requirements. The Appeals Bureau scheduled a consolidated appeal hearing for June 7, 2024 to address six appeal numbers: 24AUI04173JTT, 24AUI04174JTT, 24AUI04175JTT, 24AUI04176JTT, 24AUI04177JTT, 24AUI04178JTT. On May 14, 2024, IWD issued a reference 13 overpayment decision that nullified and voided the reference 08 decision.

**ISSUE:**

Whether the appeal should be dismissed.

**FINDINGS OF FACT:**

On April 26, 2024, Susan Lynch (claimant) filed a timely appeal from the April 18, 2024 (reference 08) decision that held the claimant was not eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance and that the claimant would have to pay the balance, plus penalty, interest and lien fees in full before she could become eligible for benefits, provided she met all other eligibility requirements.

On May 14, 2024, IWD issued a reference 13 overpayment decision that nullified and voided the reference 08 decision.

**REASONING AND CONCLUSIONS OF LAW:**

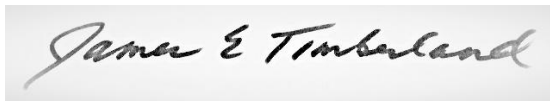
Iowa Administrative Code rule 87126.8(1) provides as follows: “An appeal may be dismissed upon the request of a party or in the agency’s discretion when the issue or issues on appeal have been resolved in the appellant’s favor.”

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the benefits bureau may affirm, modify, or reverse the prior decision. Iowa Administrative Code rule 87124.19(3).

In light of IWD's issuance of the May 14, 2024 (reference 14) decision that nullified and voided the reference 08 decision, the appeal in this matter is moot. Accordingly, the appeal in this matter is dismissed. The appeal hearing set for June 7, 2024 is cancelled.

**DECISION:**

In light of IWD's issuance of the May 14, 2024 (reference 14) decision that nullified and voided the April 18, 2024 (reference 08) decision, the appeal in this matter is moot. Accordingly, the appeal in this matter is DISMISSED. The appeal hearing set for June 7, 2024 is cancelled.



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James E. Timberland  
Administrative Law Judge

June 7, 2024  
Decision Dated and Mailed

rvs

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.