<div align="center">**IOWA WORKFORCE DEVELOPMENT**
UNEMPLOYMENT INSURANCE APPEALS</div>

RICHARD W HALL Claimant **IOWA WORKFORCE DEVELOPMENT** **DEPARTMENT**	**APPEAL NO. 21A-UI-23156-JT-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 03/29/20** **Claimant: Appellant (6)**

Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Code Section 96.3(7) – Overpayment, Lost Wage Assistance Payments
Iowa Administrative Code Rule 871-26.8(1) – Dismissal of Appeal, No Aggrieved Party

STATEMENT OF THE CASE:

The claimant, Richard Hall, filed a timely appeal from the October 8, 2021, reference 08 decision that held he was overpaid $1,800.00 in Lost Wage Assistance Payments (LWAP) for six weeks ending September 5, 2020, based on the reference 04 decision that determined he was still employed by Self Insured Services Company. The hearing in this matter has been rescheduled to January 6, 2021. There are four appeal numbers set for a consolidated hearing: 21A-UI-23152-JT-T, 21A-UI-23153-JT-T, 21A-UI-23154-JT-T, and 21A-UI-23156-JT-T. In light of further action the Benefits Bureau has taken in these matters, the administrative law judge enters the following decision dismissing the appeal.

ISSUE:

Whether the claimant continues to be aggrieved by the October 8, 2021, reference 08 decision that held he was overpaid $1,800.00 in Lost Wage Assistance Payments (LWAP) for six weeks ending September 5, 2020, based on the reference 04 decision that determined he was still employed by Self Insured Services Company.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The October 8, 2021, reference 08 decision held the claimant was overpaid $1,800.00 in Lost Wage Assistance Payments (LWAP) for six weeks ending September 5, 2020, based on the reference 04 decision that determined he was still employed by Self Insured Services Company. The present matter concerns the claimant's appeal from the reference 05 decision.

On January 5, 2022, the Iowa Workforce Development Benefits Bureau entered a substituted reference 05 decision indicating the October 8, 2021, reference 08, decision was entered in error and is now declared null and void. The substituted reference 08 decision references Iowa Administrative Code section 871-24.9(2)(c) as the authority for the substituted nullification decision. In addition, Scott Perkins, Benefits Bureau Chief, has notified the undersigned

administrative law judge that he conferred with the Bureau Chief for the Integrity Bureau concerning the overpayment matters, that the Bureaus acknowledge fraudulent activity on the claim perpetrated by someone other than the claimant, that the overpayment has been removed from the claim, and that the removed overpayment amount includes the amount paid to Child Support Recovery. In other words, the overpayment amount and the claimant's liability has been reduced to zero.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party.

Iowa Administrative Code rule 871-26.8(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."

In light of the above-referenced further action taken by the Benefits Bureau in concert with the Integrity Bureau, the overpayment matter has been resolved in the claimant's favor. The claimant is no longer aggrieved by the overpayment decision appealed in this matter. There is no longer a basis for the appeal and no further remedy available via the appeal. Accordingly, the claimant's appeal is hereby dismissed. The consolidated appeal hearing set for January 6, 2022 is cancelled.

DECISION:

Because the claimant is no longer aggrieved by the October 8, 2021, reference 08, decision, the claimant's appeal is dismissed. The consolidated appeal hearing set for January 6, 2022 is cancelled.

James E. Timberland
Administrative Law Judge

January 27, 2022
Decision Dated and Mailed

jet/kmj