

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JOSUE JARA**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-25029-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/28/21**  
**Claimant: Appellant (6R)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 2, 2021, (reference 03) unemployment insurance decision that concluded he was overpaid \$11,264.00 in regular unemployment insurance benefits. After proper notice, a telephone hearing was conducted on January 10, 2022. The hearing was held together with Appeals 21A-UI-25030-JC-T. The claimant participated. Official notice of the administrative records was taken. Claimant waived proper notice of whether the matter has been previously adjudicated.

**ISSUES:**

Whether the overpayment issue addressed in the November 2, 2021, (reference 03) decision was previously adjudicated, and whether that prior adjudication remains in effect.  
Whether the appeal in this matter should be dismissed.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of February 28, 2021. The claimant filed for and received a total of \$11,264.00 in regular, state unemployment insurance benefits for the weeks between February 28, 2021 and July 31, 2021. The claimant also filed for and received \$4,500.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the period of February 28, 2021 through June 12, 2021.

A hearing was conducted on July 27, 2021. Claimant did not participate. The unemployment insurance decision that allowed the claimant to initially receive unemployment insurance benefits was reversed in a decision of the administrative law judge in Appeal 21A-UI-12404-JT-T. In the decision, the administrative law judge concluded claimant had been overpaid \$11,264.00 in regular, state unemployment insurance benefits for the weeks between February 28, 2021 and July 31, 2021, and that claimant must repay the benefits because employer satisfactorily participated in the fact-finding interview. The decision also stated that claimant had been overpaid FPUC benefits in the amount of \$4,500.00 for the period of February 28, 2021 and June 12, 2021. The hearing decision remains in effect.

On November 2, 2021, an Iowa Workforce Development Benefits Bureau deputy entered the reference 03 decision that held the claimant was overpaid \$11,264.00 in regular, state unemployment insurance benefits for the weeks between February 28, 2021 and July 31, 2021, due to an earlier decision that disqualified him for benefits. In other words, the reference 03 decision duplicates the administrative law judge's decision concerning the overpayment and recovery of regular state benefits.

### **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).

Iowa Code section 96.6 creates the jurisdictional structure and parameters by which unemployment insurance issues are to be decided. The Benefits Bureau serves as the first-level decision maker. The Appeals Bureau serves as the second-level adjudicator. The Employment Appeal Board serves as the third-level adjudicator. Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). It causes jurisdictional issues when the Benefits Bureau enters a decision that duplicates an administrative law judge's prior decision or that of the Employment Appeal Board.

The issue of whether the claimant was overpaid \$11,264.00 in regular, state unemployment insurance benefits for the weeks between February 28, 2021 and July 31, 2021, and whether that the claimant must repay those benefits was adjudicated by the administrative law judge decision in Appeal Number 21A-UI-12404-JT-T. That decision remains in effect.

The Benefits Bureau lacked jurisdiction to enter the November 2, 2021, reference 03, decision that duplicated the administrative law judge decision in Appeal Number 21A-UI-12404-JT-T. The undersigned administrative law judge would have no authority to hear what is in essence an appeal from another administrative law judge's decision. This administrative law judge cannot adjudicate an issue that has already been adjudicated in a separate decision. The appeal is dismissed as moot.

This matter will be remanded to the Benefits Bureau for deletion of the duplicative November 2, 2021 (reference 03) decision.

### **DECISION:**

The overpayment of \$11,264.00 in regular, state unemployment insurance benefits for the weeks between February 28, 2021 and July 31, 2021 and, as established in Appeal Number 21A-UI-12404-JT-T remains in effect. The appeal is dismissed as moot and therefore dismissed.

The November 2, 2021 (reference 03) duplicated that previously adjudicated issue and will remain in place until the Benefits Bureau deletes that duplicative and unnecessary decision.

This matter is **remanded** to the Benefits Bureau for deletion of the November 2, 2021 (reference 03), decision.

*Jennifer L. Beckman*

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January 31, 2022  
Decision Dated and Mailed

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**NOTE TO CLAIMANT:** Individuals who do not qualify for regular unemployment insurance benefits, but who were unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). For information regarding the Pandemic Unemployment Assistance (PUA) program, please contact IWD at 1-866-239-0843 or email: [UIclaimshelp@iwd.iowa.gov](mailto:UIclaimshelp@iwd.iowa.gov). On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.