

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TINA L HOTOVEC**  
Claimant

**APPEAL 19A-UI-02810-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/06/19  
Claimant: Appellant (6)**

Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.11 - Motions  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Code § 96.5(13) – Disqualification due to Outstanding Fraud Overpayment  
Iowa Code § 96.16(4) – Offenses and Misrepresentation

**STATEMENT OF THE CASE:**

The claimant/appellant, Tina L. Hotovec, filed an appeal from the January 16, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was ineligible for unemployment insurance benefits due to an outstanding fraud overpayment balance. A hearing was scheduled to be conducted on April 25, 2019.

Prior to the hearing date, Iowa Workforce Development issued a favorable decision to the claimant, dated April 18, 2019 (reference 03) which stated the reference 02 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and the hearing scheduled April 25, 2019 is canceled.

**ISSUE:**

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 her appeal. An unemployment insurance decision dated January 16, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was ineligible for unemployment insurance benefits due to an outstanding fraud overpayment balance. The claimant appealed this decision. Before a hearing was held, Iowa Workforce Development issued a favorable decision to the claimant, dated April 18, 2019 (reference 03) which stated the reference 02 decision was issued in error and therefore null and void. This decision made the issue on appeal moot. The agency representative asked that the

appeal be dismissed as moot. This subsequent agency 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 January 16, 2019 (reference 02) is dismissed as moot. The hearing scheduled for April 25, 2019 is canceled.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated January 16, 2019 (reference 02) is approved. The appeal is dismissed as moot.

The hearing scheduled for April 25, 2019 is canceled.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn