

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE J WILSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-03333-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/30/18
Claimant: Appellant (1)

Iowa Code § 96.5(8) – Disqualification – Administrative penalty
Iowa Code § 96.16(4) – Offenses and Misrepresentation

STATEMENT OF THE CASE:

On April 21, 2020, Molly Wilson filed an appeal from the February 14, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded Kyle J. Wilson (claimant/appellant) had been overpaid benefits due to misrepresentation.

The parties were properly notified of the hearing. A telephone hearing was held on May 20, 2020. Ms. Wilson participated personally. IWD chose not to participate via live testimony but did submit proposed exhibits. Department Exhibits 1-5 were admitted into evidence. Claimant’s Exhibit 1 was also admitted into evidence. The administrative law judge took official notice of the administrative record.

ISSUE:

Does Ms. Wilson have legal standing to appeal the overpayment decision?

FINDINGS OF FACT:

Claimant passed away on February 10, 2020. Claimant and Ms. Wilson were legally married prior to his passing. Ms. Wilson received the overpayment decision on February 19, 2020. Shortly thereafter, she contacted the Integrity Bureau of IWD and mailed to IWD a flier from claimant’s funeral. She received no response from IWD. Claimant continued to reach out to IWD representatives and was told to “wait for a decision.” She finally decided to simply appeal the overpayment decision.

Ms. Wilson reports claimant died intestate; no estate has been opened; and she does not hold power of attorney for him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Ms. Wilson does not have legal standing to challenge the February 14, 2020 (reference 02) decision.

Courts generally refuse to decide disputes in cases where the party asserting an issue is not properly situated to seek an adjudication. *Godfrey v. State*, 752 N.W.2d 413, 417 (Iowa 2008). In order to have standing, a person “must (1) have a specific personal or legal interest in the litigation and (2) be injuriously affected.” *Citizens for Responsible Choices v. City of Shenandoah*, 686 N.W.2d 470, 475 (Iowa 2004). Notably, the Iowa Administrative Procedure Act similarly limits access to judicial review of an agency action to “a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action.” Iowa Code § 17A.19.

Ms. Wilson has not shown that she has a specific personal or legal interest in the decision finding claimant was overpaid benefits and is injuriously affected by it. The decision obviously does not directly implicate Ms. Wilson, as she was not personally found to have been overpaid benefits and be ineligible for future benefits until the overpayment is satisfied. Furthermore, while it is conceivable that the Department could seek to file a lien against property belonging to claimant in order to recover the amount of benefits and that such a lien filing could potentially impact Ms. Wilson at some point in the future, there is no indication the Department has filed any such lien or intends to do so. See Iowa Admin Code r. 871-25.8(2).

Finally, the administrative law judge is not aware of any law or regulation which would specifically grant legal standing to Ms. Wilson. One section of the Iowa Administrative Code does provide for payment of benefits to a deceased claimant’s spouse. However, that is clearly not applicable to this situation. See Iowa Admin Code r. 871-25.14. As noted above, Ms. Wilson reports claimant died intestate; no estate has been opened; and she does not hold power of attorney for him.

Given the facts and circumstances as they exist today, it would be at best speculative for the administrative law judge to find Ms. Wilson has legal standing to challenge the overpayment decision. The decision therefore remains in full force and effect and the appeal is dismissed.

DECISION:

The February 14, 2020 (reference 02) decision finding claimant had been overpaid benefits due to misrepresentation remains in full force and effect, as Ms. Wilson does not have legal standing to challenge the decision. The appeal is dismissed.



Andrew B. Duffelmeyer
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May 29, 2020
Decision Dated and Mailed

abd/mh