

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICK S MOORE
Claimant

APPEAL 19A-UI-10070-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/13/19
Claimant: Appellant (6)

Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

On December 19, 2019, the claimant filed an appeal from the November 25, 2019, (reference 09), unemployment insurance decision that found claimant overpaid unemployment insurance benefits based upon a decision denying him benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on January 16, 2020. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 11 unemployment insurance decision), no testimony was necessary and no hearing was held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

FINDINGS OF FACT:

On November 25, 2019, Iowa Workforce Development issues a reference 09 decision finding claimant overpaid unemployment insurance benefits in the amount of \$1,592.00 for the four weeks ending November 9, 2019. On January 13, 2020, Iowa Workforce Development issued a reference 11 decision finding claimant was not overpaid benefits as an administrative law judge decision found claimant eligible for the benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for

withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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 this case, the administrative law judge will dismiss the appeal as IWD issued a new decision finding claimant was not overpaid benefits and this resolves the issue on appeal in claimant's favor.

DECISION:

The appeal of the November 25, 2019, (reference 09) unemployment insurance decision is dismissed. Claimant was not overpaid unemployment insurance benefits in the amount of \$1,592.00, as noted in updated agency records.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 16, 2020
Decision Dated and Mailed

cal/rvs