

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LESLIE A DESHERLIA-JUAREZ
Claimant

APPEAL 21A-UI-06981-S1-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (6)

Iowa Code § 96.6(2) - Timeliness of Appeal
Iowa Code § 96.3-7 – Overpayment
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 – Motions

STATEMENT OF THE CASE:

An appeal was filed from the February 12, 2021, reference 02 decision that found the claimant/appellant was overpaid unemployment insurance benefits. . A hearing was scheduled for April 24, 2021. Prior to the hearing being held, the agency amended the underlying decision by issuing a decision dated April 23, 2021, reference 06.

ISSUE:

The issue is whether the appeal should be dismissed due to agency error.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The appeal was based upon a decision has since been amended by a decision dated April 23, 2021, reference 06. The amended decision reduced the claimant's overpayment of unemployment insurance benefits.

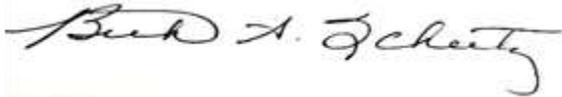
REASONING AND CONCLUSIONS OF LAW:

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).

Subsequent agency action in favor of the appellant made this appeal moot. The appeal of the original representative's decision February 12, 2021, reference 02, is dismissed as moot. The hearing scheduled for April 24, 2021, at 1:00 p.m. is cancelled.

DECISION:

The representative's February 12, 2021 decision (reference 02) is approved. The appeal is dismissed as moot. The hearing scheduled for April 24, 2021, at 1:00 p.m. is cancelled.



Beth A. Scheetz
Administrative Law Judge

April 28, 2021
Decision Dated and Mailed

bas/ol