

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LIANA AGHASANDYAN
Claimant

APPEAL 20A-UI-09199-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant/appellant, Liana Aghasandyan, filed an appeal from the July 23, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits because she failed to accurately report earnings.

A telephone hearing was scheduled for September 18, 2020. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated September 4, 2020, reference 02 stating the reference 01 decision was issued in error and declared the reference 01 decision null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant show that an unemployment insurance decision dated July 23, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits. The claimant appealed the decision. A hearing for this appeal was scheduled on September 18, 2020. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant dated September 4, 2020, which stated that the reference 01 decision issued on July 23, 2020 was issued in error and is now declared null and void. The most recent favorable decision made the issue she appealed moot.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

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 administrative law judge has reviewed the records and files herein and concludes that the request to dismiss the appeal should be approved. The only issue on this appeal is now moot. The most recent decision, dated September 4, 2020, reference 02, is affirmed.

The hearing for September 18, 2020 at 9:00 a.m. is cancelled.

DECISION:

The department representative's request to dismiss the appeal of the unemployment insurance decision dated July 23, 2020, reference 01, is approved. The decision issued on September 4, 2020, reference 02, is affirmed. The appeal is dismissed as moot. **The hearing for September 18, 2020 at 9:00 a.m. is cancelled.**



Jennifer L. Beckman
Administrative Law Judge
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September 9, 2020
Decision Dated and Mailed

jlb/mh