

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TAMI C ANDORF
Claimant

APPEAL 16A-UI-11097-EC

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/24/16
Claimant: Appellant (6)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 11, 2016, reference 05, unemployment insurance decision that she was overpaid benefits in the amount of \$294.00 for one week between 09/18/16 and 09/24/16. Before a hearing was scheduled, the claimant's claim was unlocked and the overpayment amount was reduced to zero. This action, by an Iowa Workforce Development representative, made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

ISSUES:

Should the most recent agency action 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 October 11, 2016, reference 05, determined that she was overpaid benefits in the amount of \$294.00 for one week between 09/18/16 and 09/24/16.

The claimant filed an appeal on October 12, 2016. She appealed a related decision. That appeal, No. 16A-UI-11096, was dismissed as moot. The issue on that appeal was resolved in the claimant's favor.

The Iowa Workforce Development representative issued a favorable decision in the related appeal, dated October 26, 2016, reference 06, which specifically unlocked her claim as of 09/18/2016. This agency representative also reduced the overpayment to zero. This most recent favorable agency action made the overpayment issue 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 overpayment the claimant appealed was reduced to zero, amended in favor of the appellant, making this appeal moot. The appeal of the original representative’s decision dated October 11, 2016, reference 05, is dismissed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated October 11, 2016, reference 05, is approved. The agency’s most recent action, reducing the overpayment to zero, is affirmed. The appeal is dismissed as moot.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

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