

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KAYDEN L KASAL**  
Claimant

**APPEAL 23A-UI-10071-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/18/23  
Claimant: Appellant (6)**

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Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawals, dismissals and postponements

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 11, 2023 (reference 11) unemployment insurance benefits decision that found the claimant was overpaid benefits of \$3,126.00 for eight weeks between July 2, 2023, and September 2, 2023 due to a decision that disqualified her from receipt of benefits. Due notice was issued, and a telephone hearing was held on November 13, 2023. The claimant participated personally. Iowa Workforce Development (IWD) Integrity Bureau did not participate. Claimant's administrative records establish that IWD issued a subsequent decision on November 14, 2023 (reference 17) which replaced the decision that was appealed and the decision that was appealed is now null and void.

**ISSUE:**

Should the appeal be dismissed due to subsequent agency action?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant/appellant filed an appeal to the October 11, 2023 (reference 11) decision that found she was overpaid benefits of \$3,126.00 for eight weeks between July 2, 2023 and September 2, 2023 due to a disqualification decision that was issued on September 13, 2023 that had found she was not eligible for benefits. IWD then issued another decision on November 14, 2023, which amended the reference 11 decision at issue in this case. The decision dated November 14, 2023 (reference 17) reduced the overpayment amount to \$422.00 for the week-ending July 22, 2023. The decision at issue in this case is now null and void due to the amendment.

**REASONING AND CONCLUSIONS OF LAW:**

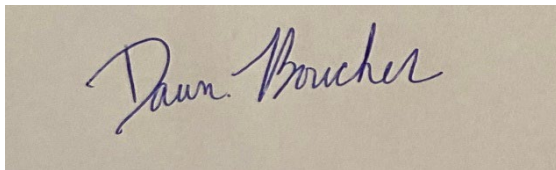
For the reasons that follow, the administrative law judge concludes as follows:

Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot.<sup>1</sup> “A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent.”<sup>2</sup>

The appeal in this case is moot as the underlying decision has been determined to be null and void by subsequent agency action. The appeal shall be dismissed as moot.

**DECISION:**

The appeal in this case is dismissed as the underlying decision is null and void and the issue is moot. The unemployment insurance benefits decision dated October 11, 2023 (reference 11) was amended by subsequent agency action and is null and void. If the claimant disagrees with the new decision issued November 14, 2023 (reference 17) that reduced the overpayment to \$422.00 she needs to file an appeal to that decision that is in existence.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

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Dawn Boucher  
Administrative Law Judge

November 15, 2023  
Decision Dated and Mailed

db/scn

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<sup>1</sup> *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005).

<sup>2</sup> *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983).

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board**  
**6200 Park Avenue Suite 100**  
**Des Moines, IA 50321**  
**Fax: (515)281-7191**  
**Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board**  
**6200 Park Avenue Suite 100**  
**Des Moines, IA 50321**  
**Fax: (515)281-7191**  
**En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.