

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN MCKINZIE
Claimant

APPEAL 19A-UI-01902-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/03/17
Claimant: Appellant (6)

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. 871-24.19(3) – Subsequent Agency Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant/appellant, Brian McKinzie, filed an appeal from the February 22, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits. That decision was amended by a decision dated March 7, 2019 (reference 03). As such, the decision dated February 22, 2019 (reference 02) is null and void due to subsequent agency action in amending the decision. A hearing was scheduled for April 9, 2019. The hearing is cancelled.

ISSUE:

Should the appeal be dismissed as moot based on subsequent agency action?

FINDINGS OF FACT:

The available information in the Department’s administrative file establishes the following facts: The department issued a decision on February 22, 2019 (reference 02) finding claimant was overpaid unemployment insurance benefits. The department later issued a decision on March 7, 2019 (reference 03), amending the February 22, 2019 (reference 02) decision, and finding that claimant was overpaid benefits due to misrepresentation or fraud. The decision issued on February 22, 2019 (reference 02) became null and void due to subsequent agency action.

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 only issue on this appeal is now moot because the decision was amended by subsequent agency action.

DECISION:

The appeal of the unemployment insurance decision dated February 22, 2019 (reference 02) is dismissed as moot. The hearing scheduled for April 9, 2019 is cancelled.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn