

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**THOMAS B HEATHCOTE**  
Claimant

**APPEAL 18A-UI-08376-JC**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/05/17**  
**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. 871-26.8(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, Thomas B. Heathcote, filed an appeal from the July 30, 2018, (reference 02), Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded he was overpaid unemployment insurance benefits. The parties were properly notified of the hearing. An in-person hearing was scheduled to be held on August 30, 2018.

Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated August 23, 2018, (reference 03), stating the reference 02 decision was issued in error and declared the reference 02 decision null and void. This decision made the issue on appeal moot.

On August 24, 2018, the claimant formally submitted a request to withdraw the appeal. The request was submitted in writing.

**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 30, 2018, reference 02, determined that he was overpaid unemployment insurance benefits. The claimant appealed this decision on August 5, 2018. A hearing for this appeal was scheduled on August 30, 2018 at 11:00 a.m. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant dated August 23, 2018. The decision dated August 23, 2018, reference 03, stated that the reference 02 decision issued on July 30, 2018, was issued in error and is now declared null and void. The most recent

favorable decision made the issue he appealed, (based on the decision dated July 30, 2018, reference 02) moot.

The claimant also formally requested to withdraw his appeal on August 24, 2018. The appeal was submitted in writing.

### **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 August 23, 2018, is affirmed.

### **DECISION:**

The department representative's request to dismiss the appeal of the unemployment insurance decision dated July 30, 2018, reference 02, is approved. The decision issued on August 23, 2018, reference 03, is affirmed. The appeal is dismissed as moot. **The hearing for August 30, 2018, is canceled.**

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn