

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE L BOCOX
Claimant

APPEAL 19A-UI-07989-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/02/19
Claimant: Appellant (6)**

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

The claimant filed an appeal from the unemployment insurance decision dated October 10, 2019 (reference 03), that she was overpaid unemployment insurance benefits. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated October 23, 2019 (reference 04), stating that she has not been overpaid unemployment insurance benefits. This decision 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 unemployment insurance decision be affirmed?

Should the appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the pertinent agency documents relating to this claimant and her appeal. An unemployment insurance decision dated October 10, 2019 (reference 03), determined that the claimant was overpaid unemployment insurance benefits. The claimant appealed this decision. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated October 24, 2019 (reference 04), stating that she was not overpaid unemployment insurance benefits. The agency representative asked that the appeal be dismissed. This decision resolved the only issue on appeal in the claimant's favor, making the appeal 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 decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the original representative's decision dated October 10, 2019 is dismissed. The most recent decision, is affirmed.

DECISION:

The request to dismiss the appeal of the unemployment insurance decision dated October 10, 2019 is approved. The decision issued on October 23, 2019 is affirmed. The appeal is dismissed as moot.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn