

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

NATHANIEL D HAWKINS
Claimant

APPEAL 23A-UI-03190-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/06/22
Claimant: Appellant (6)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

Nathaniel D. Hawkins, the claimant/appellant,¹ filed an appeal from the Iowa Workforce Development (IWD) March 21, 2023 (reference 06) unemployment insurance (UI) decision. The decision concluded that IWD overpaid Mr. Hawkins REGULAR (state) UI benefits in the total gross amount of \$593.00 for the week of February 5-11, 2023 because the February 27, 2023 (reference 03) UI decision denied him UI benefits for this week. The Iowa Department of Inspections and Appeals (DIA) UI Appeals Bureau mailed a notice of hearing to Mr. Hawkins for a telephone hearing scheduled for April 11, 2023 at 10:00 a.m. Before the scheduled appeal hearing, IWD mailed Mr. Hawkins a different UI decision dated March 28, 2023 (reference 08). The March 28, 2023 (reference 08) UI decision concluded that IWD did not overpay Mr. Hawkins REGULAR (state) UI benefits for the week of February 5-11, 2023 so his overpayment balance for this week is \$0.00. The March 28, 2023 (reference 08) UI decision settled the issue in Mr. Hawkins' appeal. Therefore, no testimony or additional evidence was necessary. The undersigned administrative law judge did not hold an appeal hearing.

ISSUES:

Should IWD's most recent UI decision be affirmed?
Should Mr. Hawkins' appeal be dismissed as moot?

FINDINGS OF FACT:

These findings of fact are based on the relevant agency documents relating to Mr. Hawkins and his appeal. The March 21, 2023 (reference 06) UI decision concluded that IWD overpaid Mr. Hawkins REGULAR (state) UI benefits in the total gross amount of \$593.00 for the week of February 5-11, 2023 because the February 27, 2023 (reference 03) UI decision denied him UI benefits for this week. Mr. Hawkins appealed this decision. Before the scheduled April 11, 2023 appeal hearing, IWD mailed a different UI decision to Mr. Simon dated March 28, 2023 (reference 08). The March 28, 2023 (reference 08) UI decision concluded that IWD did not overpay Mr. Hawkins REGULAR (state) UI benefits for the for the week of February 5-11, 2023 so his overpayment balance for this week is \$0.00.

¹ Claimant is the person who filed the UI claim with IWD. Appellant is the person or employer who filed the appeal.

IWD notified the DIA UI Appeals Bureau of the March 28, 2023 (reference 08) UI decision. The March 28, 2023 (reference 08) UI decision settled the issue in Mr. Hawkins' appeal and settled the issue in his favor. As a result, there is no issue for the undersigned to decide.

REASONING AND CONCLUSIONS OF LAW:

Generally, courts and administrative tribunals do not decide issues or cases when the underlying issue or case is moot.² "An issue or case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent."³ That means an issue or case is moot if the issue or case has been resolved and there is nothing left to be decided in an appeal.

The decision Mr. Hawkins appealed that concluded IWD overpaid Mr. Hawkins REGULAR (state) UI benefits in the total gross amount of \$593.00 for the week of February 5-11, 2023 was changed in his favor. So, IWD did not overpay Mr. Hawkins REGULAR (state) UI benefits for the for the week of February 5-11, 2023 and his overpayment balance for this week is \$0.00. Mr. Hawkins' appeal is moot. Since Mr. Hawkins' appeal is moot, his appeal of the original UI decision dated March 21, 2023 (reference 06) is dismissed. The most recent UI decision, dated March 28, 2023 (reference 08), is affirmed. This means the March 21, 2023 (reference 06) UI decision is no longer in effect and the March 28, 2023 (reference 08) UI decision remains in effect.

DECISION:

Mr. Hawkins' appeal is DISMISSED AS MOOT. The March 21, 2023 (reference 06) UI decision is AFFIRMED.

The hearing scheduled for April 11, 2023 at 10:00 a.m. is CANCELLED.



Daniel Zeno
Administrative Law Judge

March 30, 2023
Decision Dated and Mailed

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² *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005).

³ *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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: 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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: 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 adquiera 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.