

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

COURTNEY R GUSTAFSON
Claimant

APPEAL NO: 21A-UI-11614-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (6R)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 8, 2020, (reference 04) unemployment insurance decision that concluded claimant was overpaid \$5,888.00 in regular unemployment insurance benefits. After proper notice, a telephone hearing was scheduled for 3:00 p.m. on July 14, 2021. Claimant made no contact with the Appeals Bureau and did not register for the hearing. No hearing was conducted. The administrative law judge took official notice of the administrative records, included 20A-UI-06930-DB-T. Based on the administrative records, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Whether the overpayment issue addressed in the December 8, 2020, (reference 04) decision was previously adjudicated, and whether that prior adjudication remains in effect.
Whether the appeal in this matter should be dismissed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of April 5, 2020.

The claimant filed for and received a total of \$5,888.00 in regular, state unemployment insurance benefits for the weeks between April 5, 2020 and July 25, 2020.

The unemployment insurance decision that initially allowed benefits to claimant has been reversed in a decision of the administrative law judge in appeal 20A-UI-06930-DB-T. In the decision, the administrative law judge concluded claimant had been overpaid \$5,888.00 in regular, state unemployment insurance benefits for the weeks between April 5, 2020 and July 25, 2020, and that claimant must repay the benefits because employer satisfactorily participated in the fact-finding interview. The hearing decision remains in effect.

On December 8, 2020, an Iowa Workforce Development Benefits Bureau deputy entered the reference 04 decision that held the claimant was overpaid \$5,888.00 in regular, state unemployment insurance benefits for the weeks between April 5, 2020 and July 25, 2020 due to an earlier decision that denied benefits. In other words, the reference 04 decision duplicates the administrative law judge's decision concerning the overpayment and recovery of regular state benefits.

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).

Iowa Code section 96.6 creates the jurisdictional structure and parameters by which unemployment insurance issues are to be decided. The Benefits Bureau serves as the first-level decision maker. The Appeals Bureau serves as the second-level adjudicator. The Employment Appeal Board serves as the third-level adjudicator. Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). It causes jurisdictional issues when the Benefits Bureau enters a decision that duplicates an administrative law judge's prior decision or that of the Employment Appeal Board.

The issue of whether the claimant was overpaid \$5,800.00 in regular state benefits for the weeks between April 5, 2020 and July 25, 2020 and whether that the claimant must repay those benefits was adjudicated by the administrative law judge decision in Appeal Number 20A-UI-06930-DB-T. That decision remains in effect.

The Benefits Bureau lacked jurisdiction to enter the December 8, 2020, reference 04, decision that duplicated the administrative law judge decision in Appeal Number 20A-UI-06930-DB-T. The undersigned administrative law judge would have no authority to hear what is in essence an appeal from another administrative law judge's decision. This administrative law judge cannot adjudicate an issue that has already been adjudicated in a separate decision. The appeal is dismissed as moot.

This matter will be remanded to the Benefits Bureau for deletion of the duplicative December 8, 2020 (reference 04) decision.

DECISION:

The overpayment of \$5,800.00 in regular state benefits for the weeks between April 5, 2020 and July 25, 2020 and, as established in Appeal Number 20A-UI-06930-DB-T remains in effect. The appeal is dismissed as moot and therefore dismissed.

The December 8, 2020 (reference 04) duplicated that previously adjudicated issue and will remain in place until the Benefits Bureau deletes that duplicative and unnecessary decision.

This matter is **remanded** to the Benefits Bureau for deletion of the December 8, 2020 (reference 04) decision.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

July 26, 2021
Decision Dated and Mailed

jlb/lj

Note to Claimant:

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>