

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RYAN A MILLER**  
Claimant

**APPEAL 18A-UI-10388-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/18/16  
Claimant: Appellant (6)**

Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Admin. Code r. 871-26.11 - Motions

**STATEMENT OF THE CASE:**

The claimant/appellant, Ryan A. Miller, filed an appeal from the October 12, 2018 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits because he failed to accurately report earnings.

A telephone hearing was scheduled for November 1, 2018. Before the hearing date, the claimant received a favorable decision from Iowa Workforce Development, dated October 24, 2018, reference 04 stating the reference 03 decision was issued in error and declared the reference 03 decision null and void. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

**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 October 12, 2018, reference 03, determined that he was overpaid unemployment insurance benefits. The claimant appealed the decision. A hearing for this appeal was scheduled for November 1, 2018. Before the hearing date, Iowa Workforce Development issued a favorable decision to the claimant dated October 24, 2018. The decision dated October 24, 2018, reference 04, stated that the reference 03 decision issued on October 12, 2018 was issued in error and is now declared null and void. The most recent favorable decision made the issue he appealed moot.

## 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 October 24, 2018, reference 04, is affirmed.

**The hearing for November 1, 2018, is canceled.**

## DECISION:

The department representative's request to dismiss the appeal of the unemployment insurance decision dated October 12, 2018, reference 03, is approved. The decision issued on October 24, 2018, reference 04, is affirmed. The appeal is dismissed as moot. **The hearing for November 1, 2018, is canceled.**

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn