

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ENRIQUE RODRIGUEZ
Claimant

APPEAL NO. 19A-UI-07464-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT
INVESTIGATIONS AND RECOVERY**
Employer

**OC: 09/04/16
Claimant: Appellant (6)**

Iowa Code Section 96.5(8) and 96.16(4) - Overpayment
Iowa Code Section 96.6 – Aggrieved Party Requirement
Iowa Administrative Code Rule 871-26.8(1) – Dismissal of Appeal, No Aggrieved Party

STATEMENT OF THE CASE:

Enrique Rodriguez filed a timely appeal from the September 17, 2019, reference 01, decision that held he was overpaid \$960.00 in benefits for two weeks between May 7, 2017 and May 27, 2017, due to a failure to report wages earned with Primoris AV, Energy & Electric. An appeal hearing is set for October 15, 2019 and Mr. Rodriguez has been properly notified. Based on further Agency action, an appeal hearing is unnecessary.

ISSUE:

Whether Mr. Rodriguez continues to be aggrieved by the September 17, 2019, reference 01, decision that held he was overpaid \$960.00 in benefits for two weeks between May 7, 2017 and May 27, 2017, due to a failure to report wages earned with Primoris AV, Energy & Electric.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On September 17, 2019, an Agency representative entered a reference 01 decision (original claim date 9/4/16) that held Enrique Rodriguez was overpaid \$960.00 in benefits for two weeks between May 7, 2017 and May 27, 2017, due to a failure to report wages earned with Primoris AV, Energy & Electric. The present matter concerns Mr. Rodriguez's appeal from the reference 01 overpayment decision. On September 25, 2019, an Agency representative entered a reference 03 decision (original claim date 9/4/16) that nullified and voided the September 17, 2019, reference 01 overpayment decision.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party.

Iowa Administrative Code rule 871-26.8(1) provides as follows: “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.”

In light of the Agency’s representative’s September 25, 2019, reference 03, decision, Mr. Rodriguez is no longer aggrieved by the September 17, 2019, reference 01, decision. Because Mr. Rodriguez has received all available remedy, there is at present no basis for the appeal. Accordingly, Mr. Rodriguez’s appeal from the September 17, 2019, reference 01, overpayment decision will be dismissed.

DECISION:

The claimant is no longer aggrieved by the September 17, 2019, reference 01, overpayment decision. The claimant’s appeal from the September 17, 2019, reference 01, overpayment decision is dismissed.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs