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DISTRICT IV

February 2, 2023

To:

Hon. Josann M. Reynolds
Circuit Court Judge
Electronic Notice

Andrew John Rubsam
Electronic Notice

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Jeffrey J. Shampo
Electronic Notice

Amir Khazai
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

2022AP8

Amir Khazai v. Department of Workforce Development
(L.C. # 2021CV1009)

Before Fitzpatrick, Graham, and Nashold, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Amir Khazai appeals a circuit court order upholding a decision of the Labor and Industry Review Commission. The Commission concluded in its decision that Khazai was ineligible for unemployment benefits in weeks 12 to 20 of 2020. Based on our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2019-20).¹ We dismiss the appeal as moot.

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

The court is “entitled to find moot and dismiss appeals where its ruling is no longer needed or makes no difference as to the resolution of the controversy.” *Appel v. Halverson*, 50 Wis. 2d 230, 233, 184 N.W.2d 99 (1971); *see also Portage Cnty. v. J.W.K.*, 2019 WI 54, ¶12, 386 Wis. 2d 672, 927 N.W.2d 509 (“Appellate courts generally decline to reach moot issues, and if all issues on appeal are moot, the appeal should be dismissed.”).

The Commission’s decision in which it concluded that Khazai was ineligible for employment benefits during weeks 12 to 20 of 2020 was issued in March 2021. The Commission now contends that Khazai’s appeal seeking review of that decision is moot based on a subsequent decision the Commission issued in July 2022. In the July 2022 decision, the Commission concluded that Khazai “is *not* required to repay” the benefits he received for weeks 12 to 20 of 2020. The Commission explained in the July 2022 decision that it was waiving repayment based on a determination that the benefits were paid to Khazai due to an error by the Department of Workforce Development, not due to any wrongdoing on Khazai’s part. The Commission stated that the Department “erred in paying [Khazai] benefits after [the Department] had already determined that he was ineligible for them and that the erroneous payment was not due to [Khazai]’s failure to provide accurate information.”

We agree with the Commission that Khazai’s appeal is moot based on the Commission’s July 2022 decision. Regardless of the Commission’s earlier March 2021 decision, the Commission’s July 2022 decision makes clear that Khazai may keep the unemployment benefits he received for weeks 12 to 20 of 2020, regardless of his eligibility for the benefits. Accordingly, any further review of the Commission’s March 2021 decision would make no difference in Khazai’s benefits.

Khazai argues that there are multiple reasons why we should decide the merits of this appeal. Those reasons, as we understand Khazai’s briefing, include all of the following: (1) the Commission should not have taken so long to determine that Khazai did not need to repay the benefits; (2) the Commission and the Department of Workforce Development “made the Circuit Court unintentionally complicit in fraud”; (3) the agencies “rubber-stamp[ed]” an ALJ or other agency employee decision “in a fraudulent fashion”; (4) the case should be remanded to the circuit court for Khazai to present relevant information relating to his ordeal in challenging the agencies’ decisions; (5) the agencies’ decisions made Khazai appear to be “conniving and parasitic” for receiving benefits that he did not deserve; (6) the agencies disrespected and devalued Khazai as a human being; and (7) the agencies might do something similar to someone else.

We acknowledge that Khazai feels that the agencies treated him unfairly and subjected him to a prolonged and frustrating ordeal. Nonetheless, Khazai’s arguments do not persuade us that his appeal is not moot under the applicable legal standards in Wisconsin. In other words, Khazai’s arguments do not persuade us that a decision in this appeal would have any practical effect on the underlying controversy relating to Khazai’s unemployment benefits for weeks 12 to 20 of 2020.

Therefore,

IT IS ORDERED that this appeal is dismissed.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals