

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ABDALA M HASSAN**  
Claimant

**APPEAL 19A-UI-03673-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/31/19  
Claimant: Appellant (6)**

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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) - Dismissal  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

On May 3, 2019, Abdala M. Hassan (claimant/appellant) filed an appeal from the unemployment insurance decision dated April 24, 2019, reference 02, that determined he was not eligible for unemployment insurance benefits as of March 31, 2019, because he failed to furnish proof that he was legally authorized to work in the United States. Before a hearing was scheduled, Iowa Workforce Development (IWD) issued a favorable decision to the claimant, dated May 7, 2019, reference 04, stating that he is eligible for unemployment insurance benefits effective March 31, 2019 because he has furnished proof he is legally authorized to work in the United States. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary and no hearing was scheduled or held.

**ISSUE:**

Should the appeal be dismissed as moot?

**FINDINGS OF FACT:**

These findings of fact are based on the pertinent agency documents relating to this claimant and his appeal. An unemployment insurance decision dated April 24, 2019, reference 02, determined that the claimant was not eligible for unemployment insurance benefits as of March 31, 2019, because he failed to furnish proof he was legally authorized to work in the United States. On May 3, 2019, the claimant appealed this decision.

Before a hearing was scheduled, IWD issued a favorable decision to the claimant dated May 7, 2019, reference 04, stating that he is eligible for unemployment insurance benefits as long as he meets all the other eligibility requirements. The decision dated May 7, 2019, reference 04,

determined he is legally authorized to work in the United States. This decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge dismisses the appeal.

Iowa Admin. Code r. 871-26.8(1) provides:

Withdrawals, dismissals, and postponements.

(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 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)

In this case, the decision appealed was reversed in favor of the claimant, making this appeal moot. The appeal of the original unemployment insurance decision dated April 24, 2019, reference 02, is dismissed. The most recent decision, dated May 7, 2019, reference 04, is affirmed.

**DECISION:**

The appeal of the unemployment insurance decision dated April 24, 2019, reference 02, is dismissed as moot.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

src/scn