

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 11IWDUI139
OC: 05/02/11
Claimant: Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

JOSE JUAN SERRATO ESQUIVEL
312 W. 4TH STREET
MUSCATINE, IA 52761-3120

INVESTIGATIONS AND RECOVERY, IWD
IRMA LEWIS
150 DES MOINES STREET
DES MOINES, IA 50309

JOE WALSH, IWD

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

June 29, 2011

(Dated and Mailed)

Dismissal of Appeal Without Prejudice – 481 Iowa Administrative Code 10.24

STATEMENT OF THE CASE

Claimant Jose Esquivel filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated March 15, 2011, reference 03, finding he was eligible to receive unemployment insurance benefits beginning March 6, 2011, as long as he meets all other eligibility requirements, and that IWD’s records indicate he is legally authorized to work in the United States. Esquivel appealed stating he believed he was eligible for benefits prior to March 2011. He did not attach any documents to his appeal

letter and did not report when he believed he should have begun receiving unemployment insurance benefits.

IWD transmitted the case to the Department of Inspections and Appeals to schedule a contested case hearing. A contested case hearing was scheduled for July 27, 2011 at 9:00 a.m. Neither Irma Lewis, IWD's representative, nor Esquivel appeared for the hearing. I considered the documents contained in the administrative appeal file. Because no one appeared at hearing, no one could explain what the dispute is in the case. The issue certified for hearing is whether the Department correctly determined the claimant is ineligible to receive unemployment insurance benefits. Because IWD has found Esquivel is entitled to unemployment insurance benefits, it does not appear there is an actual, live controversy. According to the decision, reference 03, dated March 15, 2011, Esquivel is eligible to receive unemployment insurance benefits. Esquivel's appeal is dismissed, as moot.¹

DECISION

This appeal is dismissed because no issue remains for resolution.

hlp

¹ 481 IAC 10.24(1).