

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LYNN BARTOLOME**  
Claimant

**APPEAL 17A-UI-04972-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/12/17  
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able and Available to Work  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action  
Iowa Admin. Code r. 871-26.11 – Motions  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Lynn Bartolome, appealed from the unemployment insurance decision dated April 25, 2017, reference 02, which stated that he was not eligible for unemployment insurance benefits as of March 12, 2017, because he did not provide proof that he is a citizen or legally authorized to work in the United States. Before a hearing was scheduled, Iowa Workforce Development issued a favorable decision to the claimant, dated May 1, 2017, reference 03, stating that he is eligible for unemployment insurance benefits because he provided sufficient proof that he is a citizen or legally authorized to work in the United States. This decision made the issue on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing was scheduled or held.

**ISSUES:**

Should the most recent unemployment insurance decision be affirmed?

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 25, 2017, reference 02, determined that the claimant was not eligible for unemployment insurance benefits as of March 12, 2017, because he failed to provide proof that he is a citizen or legally authorized to work in the United States. On April 28, 2017, the claimant appealed this decision and submitted documents showing his lawful authorization to work in the United States.

Before a hearing was scheduled, an Iowa Workforce Development representative reviewed the claimant's documents and issued a favorable decision to the claimant, dated May 1, 2017, reference 03, stating that he is eligible for unemployment insurance benefits as long as he

meets all the other eligibility requirements. The decision dated May 1, 2017, reference 03, stated that he is legally authorized to work in the United States. The agency representative asked that the appeal be dismissed. This decision resolved the only issue on appeal in the claimant's favor, making the appeal moot.

**REASONING AND CONCLUSIONS OF LAW:**

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). An appeal may be dismissed when the issue on appeal has been resolved in the appellant's favor. Iowa Admin. Code r. 871-26.8(1).

The decision appealed was amended in favor of the appellant, making this appeal moot. The appeal of the representative's decision dated April 25, 2017, reference 02, is dismissed. The most recent decision, dated May 1, 2017, reference 03, is affirmed.

**DECISION:**

The request to dismiss the appeal of the unemployment insurance decision dated April 25, 2017, reference 02, is approved. The decision issued on May 1, 2017, reference 03, is affirmed. The appeal is dismissed as moot.

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Emily Gould Chafa  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development

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Decision Dated and Mailed

ec/rvs