

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICK ALBERT
Claimant

APPEAL 20A-UI-00839-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/22/19
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions
Iowa Code § 96.5(10) – Aliens – Disqualified
Iowa Admin. Code r. 871-24.60(2) – Alien
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-26.8(1) - Dismissal

STATEMENT OF THE CASE:

On January 29, 2020, Nick Albert (claimant/appellant) filed an appeal from the unemployment insurance decision dated January 23, 2020, reference 03, that stated he was not eligible for unemployment insurance benefits effective December 22, 2019 because he failed to provide proof of his ability to work in the United States. After due notice was issued, a telephone conference hearing began on February 12 and concluded on February 18, 2020; however, the record was left open until February 21, 2020 at 4:30 p.m. to allow the claimant additional time to submit documents. The hearing was consolidated with the hearings for appeals 20A-UI-00838-SC-T and 20A-UI-00840-SC-T. The claimant participated. Pohnpeian interpretation was provided by Amelia Halverson, the claimant's friend, and Sue (employee number 10262) of CTS Language Link. The Claimant's Exhibit A which was submitted on February 19, 2020 was admitted into the record. The administrative law judge took official notice of the U.S. Citizenship and Immigration Services Fact Sheet dated October 29, 2019 and titled "Status of Citizens of the Freely Associated States of the Federated States of Micronesia and the Republic of the Marshall Islands."¹

Before the decision of the administrative law judge was issued, the agency issued a favorable decision to the appellant, dated February 20, 2020, reference 06. This decision made the issue on appeal moot.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

¹ https://www.uscis.gov/sites/default/files/USCIS/Verification/I-9%20Central/FactSheets/FactSheet-Status_of_Citizens_of_Micronesia_Marshalls_Islands.pdf (last accessed February 24, 2020).

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed was administratively resolved in favor of the appellant by the unemployment insurance decision dated February 20, 2020, reference 06, before the decision of the administrative law judge was issued.

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). As the agency resolved the prior disqualification in favor of the appellant prior to the hearing, there is no issue for the administrative law judge to adjudicate rendering the appeal moot.

DECISION:

The appeal of the unemployment insurance decision dated January 23, 2020, reference 03, is dismissed as it is moot.



Stephanie R. Callahan
Administrative Law Judge

February 27, 2020
Decision Dated and Mailed