

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ELISA E AMADOR
Claimant

APPEAL NO: 15A-UI-03148-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/01/15
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Elisa E. Amador (claimant) appealed a representative's March 5, 2015 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits because she was not legally authorized to work in the United States. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 11, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-02207-DT. The claimant participated in the hearing. Anna Pottebaum served as interpreter. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The claimant is a permanent resident of the United States. She previously had a valid Employment Authorization Card ("Green Card"), but there was a period of time where she did not have a valid card. Agency records show that another representative's decision was issued on May 11, 2015 (reference 05) which found that the claimant's employment authorization had been verified and that she was eligible to receive unemployment insurance benefits as of February 1, 2015, the effective date of the claimant's claim for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, be available for work, and be earnestly and actively seeking work. Iowa Code § 96.4-3. "An individual who is not lawfully authorized to work within the United States will be considered not available for work." Rule 871 IAC 24.22(2)"o." The claimant's current authorization to work in the United States has now been verified, and she is eligible to receive unemployment insurance benefits if she is otherwise eligible.

However, as determined in the concurrently issued decision in appeal 15A-UI-02207-DT, the claimant is not presently otherwise eligible.

DECISION:

The representative's March 5, 2015 decision (reference 03) is modified to be consistent with the decision subsequently issued on May 11, 2015 (reference 05). The claimant is authorized to work, and is therefore able and available for work. The claimant would be qualified to receive unemployment insurance benefits, if she was otherwise eligible, which she currently is not.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs