

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ISMAEL LIMON**  
Claimant

**APPEAL NO. 08A-UI-11789-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/16/08 R: 04  
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

Ismael Limon filed a timely appealed from an unemployment insurance decision dated December 5, 2008, reference 01, that denied benefits to him upon a finding that he had not provided proof that he was legally authorized to work in the United States. Before a hearing could be scheduled in the matter, a subsequent fact-finding decision was issued on December 20, 2008 granting the relief Mr. Limon requested. Under the circumstances, an evidentiary hearing is not required.

**ISSUE:**

Has the claimant provided sufficient evidence of citizenship or legal authorization to work in the United States?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: Ismael Limon has provided sufficient documentation to the Agency to establish that he may lawfully work in this country.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Limon is available for work.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as

defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The evidence here establishes that Mr. Limon has provided sufficient documentation to the Agency to establish that he is legally authorized to work in this country.

**DECISION:**

The unemployment insurance decision dated December 5, 2008, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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