

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FREDY M PERDOMO
Claimant

APPEAL NO: 15A-UI-02012-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/28/14
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 28, 2015 determination (reference 01) that held him ineligible to receive benefits as of December 28, 2014, because he had not provided proof he was legally authorized to work in the United States. The claimant participated at the March 10, 2015 hearing. Based on a March 5, 2015 determination (reference 03), a hearing was not necessary because reference 03 resolved the issue the claimant appealed. Based on the administrative record, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of December 28, 2014.

ISSUE:

As of December 28, 2014, is the claimant able to and available for work and eligible to receive benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 28, 2014. When the claimant initially applied, he did not provide the documents the Department required to verify he was legally authorized to work in the United States. Later, the claimant provided the necessary documents. In a March 5 determination (reference 03) the Department verified the claimant provided the necessary proof to establish he was legally authorized to work in the United States. As a result, the Department found the claimant eligible to receive benefits as of December 28, 2014.

REASONING AND CONCLUSIONS OF LAW:

To be eligible to receive benefits, a claimant must be able to and available for work. Iowa Code § 96.4(3). This requires a claimant to provide the necessary documentation to establish that he is legally authorized to work in the United States. Based on the determination of March 5, 2015 (reference 03) a hearing was not necessary because that determination resolved the issue the claimant appealed and held him eligible to receive benefits as of December 28, 2014.

DECISION:

The representative's January 28, 2015 determination (reference 01) is reversed by a March 5, 2015 determination (reference 03) that held the claimant eligible to receive benefits as of December 28, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs