

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<p><b>MARIA G RIVAS</b> Claimant</p> <p><b>JOHN MORRELL &amp; COMPANY</b> Employer</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p><b>APPEAL NO. 07A-UI-03470-LT</b></p> <p><b>ADMINISTRATIVE LAW JUDGE DECISION</b></p> <p><b>OC: 02/18/07 R: 01</b> <b>Claimant: Appellant (1)</b></p>
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Iowa Code § 96.4(3) - Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 30, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on April 30, 2007. Claimant participated with her spouse, Jose Osorio. Employer participated through Brenda Ruhler.

**ISSUE:**

The issue is whether claimant is able to and available for work.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed until February 19, 2007, when she was laid off for reasons unrelated to documentation. She is eligible for recall with proper documentation authorizing her to work in the United States. Employer's most recent authorization expired March 9, 2007. Claimant received her updated authorization to work effective April 13, 2007, which is valid through September 30, 2007. The documents contain no evidence of a valid extension written on the back of her card.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work from March 9 through April 13, 2007.

Iowa Code § 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 shows that the claimant's work permit is valid effective April 13, 2007. Accordingly, benefits are withheld from March 9 through April 13, 2007, and allowed effective the week beginning April 15, 2007.

**DECISION:**

The representative's decision dated March 30, 2007, reference 01, is affirmed. The claimant is able to work and available for work effective April 15, 2007. Benefits are withheld for the period from the week beginning March 11 through the week ending April 14, 2007.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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