

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARIA ALEMAN
Claimant

APPEAL NO. 14A-UI-05472-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/13/14
Claimant: Appellant (1)**

Iowa Code § 96.4-3 – Able and Available for Work
Iowa Code § 96.5-10 – Authorization to Work in the United States
871 IAC 24.22(2)(o) – Lawfully Authorized Work

STATEMENT OF THE CASE:

Maria Aleman (claimant) appealed an unemployment insurance decision dated May 22, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on June 17, 2014. The claimant participated in the hearing. Ike Rocha interpreted on behalf of the claimant. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable or unable to work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits as of April 13, 2014. She was asked to provide proof of citizenship or work registration to Iowa Workforce Development. The claimant provided a temporary I-551 evidencing permanent residency for one year from July 25, 2012, to July 25, 2013. She said she has a ten-year residency card but could not provide it.

REASONING AND CONCLUSIONS OF LAW:

In order to be eligible to receive unemployment insurance benefits an individual must be, among other things, able to work, available for work, and earnestly and actively seeking work. Iowa Code §96.4-3; 871 IAC 24.22(2). An alien is disqualified from receiving benefits unless he or she was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for the purpose of performing the services, or was permanently residing in the United States under color of law at the time the services were performed. Iowa Code § 96.5(10). Under the Department's regulations, a person who is not lawfully authorized to work

in the United States is considered not available for work. 871 IAC 24.22(2)(o). Any individual who does not show proof of legal residence is disqualified from receiving benefits until such time as the required documentary proof is presented to the Department. 871 IAC 24.60(2)(b).

The claimant did not provide evidence that she is authorized work in the United States beyond July 25, 2013. She is considered to be unavailable for work and disqualified from receiving unemployment insurance benefits as of April 13, 2014. The disqualification shall continue until the claimant can provide proof of legal residency to her local Iowa Workforce office. 871 IAC 24.60(2)(b).

DECISION:

The unemployment insurance decision dated May 22, 2014, (reference 01), is affirmed. The claimant is disqualified from receiving unemployment insurance benefits as of April 13, 2014.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/can