

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HENRICSON G VENTURA
Claimant

APPEAL NO: 15A-UI-02715-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/21/14

Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Henricson G. Ventura (claimant) appealed a representative's January 28, 2015 (reference 01) decision that concluded he was not qualified to receive unemployment insurance benefits because he was not legally authorized to work in the United States. A hearing notice was mailed to the claimant's last-known address of record, for a telephone hearing to be held on May 12, 2015. This appeal was consolidated for hearing with related Appeal No. 15A-UI-02716-DT. Steven Rhodes served as interpreter. At the time for the hearing to be held, the claimant agreed that no hearing was necessary and that a decision could be made on the record. Based on a review of the available information 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. He previously had a valid Employment Authorization Card ("Green Card") but there was a period of time where the Agency could not verify that he had a valid card. Agency records show that another representative's decision was issued on April 13, 2015 (reference 03) which found that the claimant's employment authorization had been verified and that he was eligible to receive unemployment insurance benefits as of December 21, 2014, 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 he is eligible to receive unemployment insurance benefits if he is otherwise eligible.

DECISION:

The representative's January 28, 2015 (reference 01) decision is modified to be consistent with the decision subsequently issued on April 13, 2015 (reference 03). The claimant is authorized to work, and is therefore able and available for work. The claimant is qualified to receive unemployment insurance benefits, if he was otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can