

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DESMOND SIMON
PO BOX 8776
CEDAR RAPIDS IA 52408**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-10373-AT
OC: 08-15-04 R: 03
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Desmond Simon, filed a timely appeal from an unemployment insurance decision, dated September 13, 2004, which denied unemployment insurance benefits to him upon a finding that the agency had not received proof that Mr. Simon was legally entitled to work in the United States. After reviewing all matters of record, the administrative law judge concludes that no additional evidence is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On September 14, 2004, Iowa Workforce Development issued a subsequent fact finding decision allowing benefits

to Mr. Simon. It has received the necessary information confirming that he is legally authorized to work in the United States.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Simon is entitled to receive unemployment insurance benefits. The administrative law judge concludes that he is because the issue of his legal authorization to work in this county has been resolved.

DECISION:

The unemployment insurance decision dated September 13, 2004, reference 05, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

dj/b