

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIA G RIVAS**  
Claimant

**APPEAL NO. 07O-UI-06681-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JOHN MORRELL & COMPANY**  
Employer

**OC: 02/18/07 R: 01**  
**Claimant: Appellant (2)**

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 Ruhner. The record was left open for claimant to provide information about her authority to work for the period from March 9 through April 13, 2007. Claimant did not provide legible information, so a denial decision was issued. Upon remand, claimant did provide a legible copy of her employment authorization card. Employer does not object to its use for this issue.

**ISSUE:**

The issue is whether claimant is able to and available for work from March 9 through April 13, 2007.

**FINDINGS OF FACT:**

Having reviewed the legible copy of claimant's employment authorization card, 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 also contain an addendum, "The validity of this card is extended through the month and year indicated." June 2007 is punched on that addendum.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is 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 until March 9, 2007, with a legible extension through June 2007. Accordingly, benefits are now allowed from March 9 through April 13, 2007, as well as effective the week beginning April 15, 2007.

**DECISION:**

The representative's decision dated March 30, 2007, reference 01, is reversed. The claimant is able to work and available for work effective March 9, 2007.

NOTE TO PARTIES: Since this issue has been resolved by documentary evidence, there is no need for the hearing scheduled in Sioux City, Iowa, on September 13, 2007.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw