

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REYNA E CARRILLO
Claimant

APPEAL NO. 10A-UI-11818-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/25/10
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Reyna E. Carrillo filed a timely appeal from an unemployment insurance decision dated August 13, 2010, reference 01, that denied benefits to her effective August 8, 2010 upon a finding that she had not established that she was legally authorized to work. Before a hearing could be scheduled, the agency issued a second decision allowing benefits as of August 8, 2010. Under the circumstances, a formal hearing is not required.

ISSUE:

Is the claimant available for work?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant has established that she is lawfully authorized to work in the United States as of August 8, 2010.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 claimant has established that she is legally authorized to work in the United States, a condition of being available for work. Benefits are allowed.

DECISION:

The unemployment insurance decision dated August 13, 2010, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits effective August 8, 2010, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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