

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARACELI SALDANA RODRIGUEZ
Claimant

APPEAL NO. 06A-UI-11444-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/29/06 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated November 28, 2006, reference 02, which denied unemployment insurance benefits to her upon a finding that she had not provided sufficient documentation of her legal authority to work in the United States. After reviewing all matters of record, including documents submitted with the claimant's appeal letter, the administrative law judge concludes that a formal evidentiary hearing is not necessary.

ISSUE:

Is the claimant legally authorized to work in the United States?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Araceli Saldana Rodriguez is not a citizen of the United States. Nevertheless, she has been authorized by the U. S. Department of Homeland Security, citizenship and immigration service to work in the United States from July 1, 2006 through June 30, 2007.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant meets the eligibility requirement of being legally authorized to work in this country. Based upon the documents she has submitted, she does.

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 submitted a copy of her Employment Authorization Card issued by the U. S. Department of Homeland Security. This document, along with a copy of her social security card, is sufficient to establish legal authorization to work. Benefits are allowed.

DECISION:

The unemployment insurance decision dated November 28, 2006, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css