

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANA V MOLINA
Claimant

APPEAL NO: 20A-UI-03900-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPT**

OC: 03/22/20
Claimant: Appellant (2)

Iowa Admin. Code r. 871-24.3(2) – Identity Needed for Filing
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated May 6, 2020, reference 01, that denied benefits effective March 22, 2020, for failure to provide proper identification indicating she was able to work in the United States. After due notice was issued, a hearing was held by telephone conference call before an Administrative Law Judge on May 15, 2020. Claimant did participate and had witness Jose Molina. Claimant's exhibits A-B were admitted into evidence. Interpretive services were provided by CTS Language Link.

ISSUES:

Whether claimant failed to report as directed?

Whether claimant is able and available for work?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant produced documents showing that she has both a valid permanent residence allowance in the United States through 2029, and a valid employment authorization through September, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established that she is able and available for work and is validly working in the United States. Benefits allowed.

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".

Here, claimant has shown not only that she is able and available for work, but also that she is qualified to work as she has a valid permanent residence allowance in the United States through 2029, and a valid employment authorization through September, 2020.

DECISION:

The decision of the representative dated May 6, 2020, reference 01, is reversed. Benefits are allowed effective March 22, 2020.



Blair A. Bennett
Administrative Law Judge

May 26, 2020
Decision Dated and Mailed

bab/mh