



Department of Inspections,
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing
Administrative Hearings Division
6200 Park Avenue, Suite 100, East Entrance
Des Moines, IA 50321-1270

Appeal Decision

Claim Number:

Determination Number:
7567847

Appeal Filed By:
Luis Rojas Hernandez

Appeal Filed Date:
03/06/2026

Appeals Bureau Docket:
2026003644-AT

[Redacted]

APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE

Mail Date: April 27, 2026

Appellant

Claimant/Job Seeker: Luis Rojas Hernandez
Claimant address: [Redacted]

Appellee

Employer: N/A
Employer address:

Social Security Number: [Redacted]

In regard to the appeal by Luis Rojas Hernandez:

STATUTORY REFERENCE

DECISION/REMAND

Iowa Code Section 96.4(3) - Able & Available, Authorized to Work

STATEMENT OF THE CASE:

On March 6, 2026, Luis Rojas Hernandez (claimant) filed a timely appeal from the March 5, 2026 Disqualifying Determination that denied benefits effective February 22, 2026, based on an IWD determination that the claimant is not legally authorized to work in the United States. After appropriate notice to the claimant, the Appeals Bureau held a hearing on April 13, 2026. The claimant participated and presented additional testimony through Amy Edmondson. A Spanish-English interpreter assisted with the hearing. Exhibits A through E were received into evidence. The administrative law judge took official notice of the following agency administrative records: the March 5, 2026 Disqualifying Determination, Issue Rationale, the February 25, 2026 U.S. Citizenship and Immigration Services SAVE Response, the February 9, 2026 Benefit Claim Document Request and February 13, 2025 email correspondence regarding that request, and Payment Summary.

Equal Opportunity:

Auxiliary aids and services are available upon request to individuals with disabilities. For deaf and hard of hearing, use Relay 711.



ISSUES:

Whether the claimant was able to work and available for work during the period beginning February 22, 2026.

Whether the claimant was legally authorized to work in the United States during the period beginning February 22, 2026.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Luis Rojas Hernandez (claimant) established an original claim for unemployment insurance benefits that was effective December 14, 2025. At the time the claimant initially applied for benefits, he identified himself as a non-U.S. citizen. The claimant is a Cuban national. The claimant's primary language is Spanish. The claimant has substantial English language skills, but is not fluent in English.

At the time the claimant applied for benefits, he elected to receive notice of unemployment insurance matters through a post to his IowaWORKS.gov account and an accompanying email message.

The claimant made weekly claims for the period of December 14, 2025 through the benefit week that ended February 28, 2026. IWD paid benefits for each of the weeks between December 14, 2025 and January 24, 2026.

On February 9, 2026, IWD emailed an Unemployment Claim Document Request to the claimant that was in fact a claim status update regarding federal authorities review of the claimant's authorization to work in the United States. The "Request" stated as follows:

You are being requested to supply the following document(s) in order to continue processing your claim:

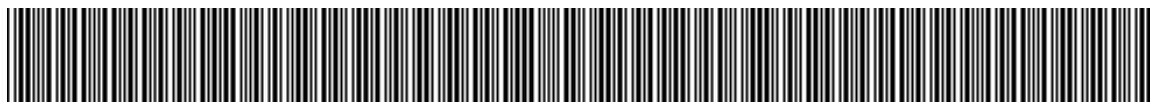
SAVE response: Case Under Review. This case is under review by the Status Verification Office (SVO). Once a response is returned, the case will be adjudicated to reflect the decision. Thank you.

The claimant responded to the February 9 2026 correspondence by email and asked whether there was a document he needed to provide. IWD records reflect that on February 9, 2026 the claimant uploaded to IowaWORKS.gov a copy of his United States of America Employment Authorization card—front and back. The Employment Authorization card indicated the card was valid from June 10, 2024 until March 11, 2026. See Exhibit B. IWD's February 13, 2026 response was limited to reissuing the February 9, 2026 correspondence.

The claimant has submitted a Social Security card, dated 06/28/2024, that indicates on its face "VALID FOR WORK ONLY WITH DHS AUTHORIZATION." See Exhibit C.

The claimant has submitted a U.S. Customs and Border Protection document that references the claimant's Most Recent I-94 arrival document. The U.S. Customs document indicates the claimant most recently entered the United States on March 12, 2024, was given a class DT admission status, and was admitted until March 11, 2026.

Prior to issuing the March 5, 2026 Disqualifying Determination that denied benefits effective February 22, 2026, based on an IWD determination that the claimant is not legally authorized to work in the United States, IWD contacted the U.S. Citizenship and Immigration Services (USCIS)



for clarification of the claimant's authorization to work in the United States in light of the Department of Homeland Security (DHS) March 25, 2025 termination of the CHNV (Cubans, Haitians, Nicaraguans, and Venezuelans) alien parole programs. See the USCIS FAQs on the Effect of Changes to Parole and Temporary Protected Status (TPS) for SAVE Agencies. The termination of the CHNV occurred after the claimant's Employment Authorization card was issued to the claimant in June 2024.

On February 25, 2026, USCIS responded to IWD in a SAVE Response document. USCIS stated that the claimant was "Not Employment Authorized." In the Employment Authorization History Section of USCIS document, the USCIS indicated the claimant's employment authorization started on June 11, 2024 and ended on April 18, 2025. The USCIS further indicated in the SAVE Response as follows:

Applicant Status: Application Pending

Employment Eligibility: Not Employment Authorized

A non-national of the U.S. that has filed an application with USCIS for an extension, change or adjustment of Status or to obtain employment authorization, but a decision has not yet been made. The applicant is not authorized to work in the U.S. See the Guide to Understanding SAVE Verification Responses or additional information. You will need to follow your agency's policy when determining whether this applicant is eligible for benefits.

The USCIS determination that the claimant is not authorized to work in the U.S. remains in effect.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(3) provides as follows:

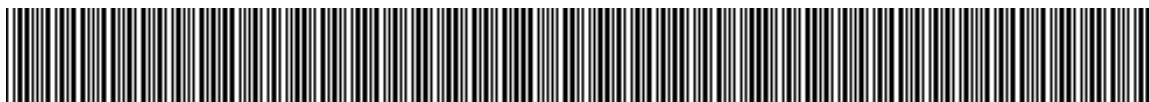
96.4 Required findings. An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. a. 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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

Iowa Administrative Code rule 871-24.15(2)(1) provides as follows:

Benefit eligibility conditions. To be eligible to receive benefits, the individual bears the burden of establishing, and the department must find, that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is genuinely attached to the labor market (e.g. the individual is willing, able, and ready to accept suitable work that the individual does not have good cause to refuse). Under unemployment insurance laws, it is the availability of an individual who is tested, and the labor market is therefore described in terms of the individual. A labor market for an individual means a market for the type of service the individual offers in the geographical area in which the individual offers the service. It does not mean that job vacancies must exist. It means only that the type of services that an individual is offering is generally performed in the geographical area in which the individual is offering the



services. ...

1. Lawfully authorized work. An individual who is not lawfully authorized to work within the United States is considered unavailable for work.

Iowa Code section 96.5(10) provides as follows:

96.5 Causes for disqualification. An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

10. Aliens — disqualified. For services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for the purpose of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act.

Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence.

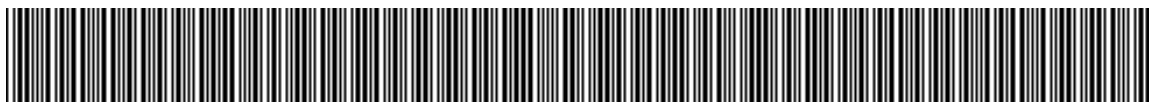
Because the USCIS, the federal agency charged with determining whether the claimant is authorized to work in the U.S., determined that the work authorization issued in 2024 was no longer valid after April 18, 2025, due to termination of the CHNV parole programs, IWD appropriately determined that the claimant was not authorized to work in the U.S. and, therefore, did not meet the availability requirement. The present appeal number deals with the work authorization and availability issue for the period beginning February 22, 2026. IWD used that date because it was the Sunday of the week in which IWD received the USCIS SAVE Response document indicating the claimant was no authorized to work in the U.S. IWD appropriately determined that the claimant was not eligible for benefits for the period beginning February 22, 2026. Benefits are denied for the period beginning February 22, 2026.

The claimant has another pending appeal that will address his work authorization and whether he met the availability requirement for a period before February 22, 2026. Accordingly, the present decision does not adjudicate that earlier period.

DECISION:

Upon review of the USCIS FAQs on the Effect of Changes to Parole and Temporary Protected Status (TPS) for SAVE Agencies, it was necessary for the administrative law judge to deviate in this written ruling from the ruling that the administrative law judge announced on the record during the hearing. Upon review of the USCIS information regarding termination of the CHNV Parole programs, the ruling announced on the record was in error and inconsistent with the governing federal law. IWD could have and should have participated in this hearing to assist all parties concerned with fully understanding the impact of the USCIS SAVE Response on the claimant's authorization to work in the U.S.

The March 5, 2026 Disqualifying Determination is AFFIRMED. The claimant is not legally authorized to work in the United States and therefore does not meet the availability requirement. In light of the February 25, 2026 USCIS SAVE Response indicating the claimant is not authorized to work in the U.S., benefits are denied for the period beginning February 22, 2026.



If the claimant disagrees with the USCIS determination, the claimant should address that matter with the USCIS.



James TIMBERLAND

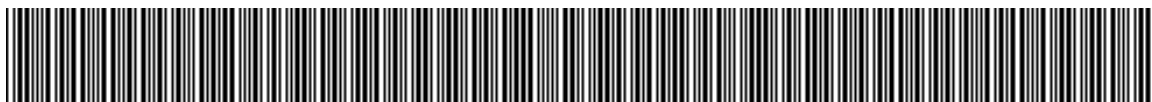
Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

Please see the last page of this document for important information about reopening the appeal and further appeal rights.



INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, IA 50321
Fax: (515)281-7191
Online: IowaWORKS account

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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

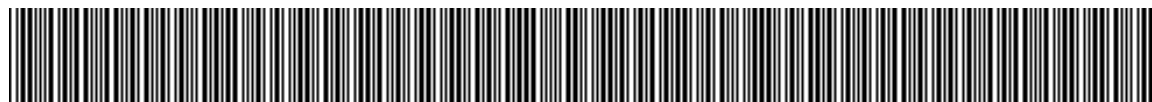
2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa 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.

Note to Claimant: It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



Babel Notice – Claim and Appeal Information

Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo
Y Información De Apelación

IMPORTANT!

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

¡IMPORTANTE!

Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

重要提示！

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

上诉截止日期：如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

IMPORTANT!

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

WICHTIG!

Diese Dokument enthält wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen. **FRIST ZUR BESCHWERDEEINLEGUNG:** Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen. **SOFORT:** Sofern erforderlich, rufen Sie die Telefonnummer 866-239-0843 an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

IMPORTANTE!

Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

IMPORTANTE:

Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefit. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento. **SCADENZA PER IL RICORSO:** Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento. **INMEDIATAMENTE:** In caso di necessità chiami il 866-239-0843 per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

QUAN TRỌNG:

Tài liệu này chứa đựng tin tức quan trọng về quyền hạn, trách nhiệm và/hoặc những lợi lộc được đền bù trong khi thất nghiệp. Đó là điều tối cần thiết mà quý vị phải hiểu rõ những tin tức trong tài liệu này. **HẠN CHÓT KHIẾU NẠI:** Nếu quý vị không đồng ý với quyết định này, quý vị phải nộp đơn khiếu nại trước hạn chót ghi rõ trong tài liệu này. **MỘT CÁCH NHANH CHÓNG:** Nếu cần xin hãy gọi số 866-239-0843 để được giúp đỡ trong việc phiên dịch và hiểu rõ những tin tức trong tài liệu quý vị đã nhận.

중요!

이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

WAŻNE!

Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SKŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

ВАЖНО!

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VAŽNO!

Ovaj dokument sadrži važne informacije o vašim pravima za naknadu nezaposlenosti, odgovornostima i/ili beneficijama. Veoma je važno da shvatite informacije u ovom dokumentu. **ROK ZA ŽALBU:** Ako se ne slažete s ovim određivanjem ili odlukom, morate uložiti žalbu prije roka navedenog u ovom dokumentu. **ODMAH:** Ako je potrebno, nazovite 866-239-0843 za pomoć u prijevodu i razumijevanju informacija u dokumentu(ima) kojeg ste primili.

ໝາງເຫລອ ສາ

ູ່ສຳຄັນ! ເອກະສານນີ້ປະກອບດ້ວຍຂໍ້ມູນທີ່ສຳຄັນກ່ຽວກັບສິດທິການຊົດເຊີຍການຫວ່າງງານ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼືຜົນປະໂຫຍດຂອງທ່ານ. ມັນເປັນສິ່ງ ສຳ ຄັນທີ່ທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນໃນເອກະສານນີ້. ກຳນົດເວລາການອຸທອນ: ຖ້າທ່ານບໍ່ເຫັນດີກັບການກຳນົດ ຫຼືການຕັດສິນໃຈນີ້, ທ່ານຕ້ອງອ້ອນອຸທອນກ່ອນກຳນົດເວລາທີ່ລະບຸໄວ້ໃນເອກະສານນີ້. ທັນທີ: ຖ້າຕ້ອງການ, ໃຫ້ໃບຫາ 866-239-0843 ສຳລັບການຊ່ວຍເຫຼືອໃນການແປ ແລະຄວາມເຂົ້າໃຈຂອງຂໍ້ມູນໃນເອກະສານທີ່ທ່ານໄດ້ຮັບ.

هام!

تحتوي هذه الوثيقة/ الوثائق على معلومات مهمة حول حقوق تعويض البطالة ومزاياها، لذا من الأهمية فهم المعلومات الواردة فيها. وإن كنت غير موافق على ما تحمله هذه الوثيقة/ الوثائق فيجب عليك تقديم استئناف قبل الموعد النهائي المشار إليه في هذه الوثيقة والاتصال فوراً على الرقم التالي: 866-239-0843 (٨٦٦٢٣٩٠٨٤٣) وإذا كنت بحاجة إلى مساعده في ترجمة وفهم المعلومات الواردة في هذه الوثيقة فلا تردد بالسؤال.