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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-1465**

Marcella Ruiz,
Relator,

vs.

Department of Employment and Economic Development,
Respondent.

**Filed May 11, 2010
Affirmed
Collins, Judge***

Department of Employment and Economic Development
File No. 22138988-3

Marcella Ruiz, Minneapolis, Minnesota (pro se relator)

Lee B. Nelson, Britt K. Lindsay-Waterman, Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent)

Considered and decided by Toussaint, Chief Judge; Lansing, Judge; and Collins,
Judge.

UNPUBLISHED OPINION

COLLINS, Judge

By way of certiorari appeal, relator, an alien, challenges the decision of the
unemployment-law judge (ULJ) that she was ineligible for benefits during the period for

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals
by appointment pursuant to Minn. Const. art. VI, § 10.

which she did not provide proof of her authorization to work. Because the ULJ's decision is mandated by statute, we affirm.

D E C I S I O N

“Whether the [ULJ's] decision was proper is a question of law reviewed de novo.” *Carlson v. Dep't of Employment & Econ. Dev.*, 747 N.W.2d 367, 371 (Minn. App. 2008). Statutory interpretation is a question of law, also reviewed de novo. *Id.*

“An alien is ineligible for unemployment benefits for any week the alien is not authorized to work in the United States under federal law.” Minn. Stat. § 268.085, subd. 12(a) (2008). “Information from the Bureau of Citizenship and Immigration Services is considered conclusive, absent specific evidence that the information was erroneous.” *Id.*

Relator Marcella Ruiz was found to be ineligible for unemployment benefits from February 14, 2009, to March 9, 2009, because she did not provide work-authorization documents for that period. She appealed, asserting that there had been no period when she was not authorized to work.

At the telephonic hearing, the ULJ told relator that Exhibit 10, a complete copy of a document from the United States Citizenship and Immigration Services, showed relator's work-authorization document history as February 14, 2007, to February 13, 2008; February 14, 2008, to February 13, 2009; and March 10, 2009, to March 9, 2010.¹ The ULJ asked relator if she had any objection to any of the exhibits. Relator said she did not object, but also did not know why she would not have been authorized to work

¹ Exhibit 9, also received, was a copy of the same document on which the right margin, giving the expiration dates of relator's work periods, had been cut off.

from February 14 to March 10. The ULJ found that relator had produced no evidence indicating that the information from the Bureau of Citizenship and Immigration services was erroneous and concluded that relator was ineligible for benefits from February 14, 2009, until March 9, 2009, because she was not authorized to work during that time.

On her request for reconsideration, relator asserted “Homeland Security has colluded with the Unemployment office to deny me benefits for that period.” The ULJ found that “[t]here is no evidence of collusion” and affirmed her previous decision.

Absent any specific evidence that the information from the Bureau of Citizenship and Immigration Services was erroneous, we must hold that the ULJ’s decision that relator was ineligible for benefits during the period when she was not authorized to work was compelled as a matter of law.

Affirmed.