

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 09/11/2012
RUTH A. WILLINGHAM,
CLERK
BY: DLL

SAAD ANTAR,) No. 1 CA-UB 12-0268
)
Appellant,) DEPARTMENT B
)
v.) A.D.E.S. Appeals Board
) Case U-1306299-BR
)
ARIZONA DEPARTMENT OF ECONOMIC)
SECURITY,) **DECISION ORDER**
)
Appellee.)
)

The court, Judges Samuel A. Thumma, Patricia A. Orozco and Jon W. Thompson, in an order dated July 31, 2012, granted Appellant Saad Antar's application for appeal. That order set a deadline for the parties to file briefs addressing the legal standard for Appellant to show he was "available to work" within the meaning of A.R.S. § 23-781(B) during any or all of the period May 22, 2011 to October 15, 2011, and "[w]hether Appellant met that applicable legal standard by providing his Arizona driver's license and Social Security Card." Upon the filing of such briefs, that order noted the appeal would be resolved without further briefing or argument absent further order of the court.

In an August 30, 2012 filing, Appellee confessed error on appeal and asks this court to reverse the Appeals Board's

decision "because Appellant demonstrated that he was 'available to work' from May 22, 2011, through October 15, 2011, under one or more of the exceptions that Arizona Revised Statutes section 23-781(B) provides to its prohibition against paying unemployment insurance benefits 'on the basis of services performed by an alien.'" Appellant filed no additional brief and the deadline to do so has passed. Based on Appellee's August 30, 2012 filing conceding Appellant was "available to work" during the period May 22, 2011 through October 15, 2011,

IT IS ORDERED reversing the Appeals Board's decision in cause number U-1306299-BR and remanding this cause to ADES for a determination of benefits due to Appellant.

/s/_____
SAMUEL A. THUMMA, Judge