

COMMENT FROM COUNSEL

**JOSE REYES v. VAN ELK ET AL.
COURT OF APPEAL CASE NO. B182068**

As counsel for Defendants, we believe the opinion from the California Court of Appeal provides guidance to all California contractors that if an employee tenders false documentation (which is explicitly unlawful under IRCA) establishing a right to work in the United States, then under the United States Supreme Court in *Hoffman Plastics*, the wage claim for unpaid wages would be “disallowed in its entirety” in California. While the issue of whether *Hoffman Plastics* requires that a wage claim be denied if an employee submitted false authorization documents was not before the Court of Appeal, the Court did acknowledge prior case law in its opinion which would disallow the claim where such facts are present.