

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PHILIP D BUTLER
Claimant

APPEAL NO. 24A-UI-03482-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/16/23
Claimant: Appellant (4)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Verification of Identity
Iowa Administrative Code Rules 87124.2(1)(e) & 87124.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

On April 1, 2024, Philip Butler (claimant) filed a timely appeal from the March 29, 2024 (reference 02) decision that allowed benefits for the period beginning March 24, 2024, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits for failure to prove his identity but had later provided documents to verify his identity. One effect of the reference 02 decision was to deny benefits for the Additional Claim period of March 10, 2024 through March 23, 2024. After due notice was issued, a hearing was held on April 23, 2024. Claimant participated. IWD submitted proposed exhibits in lieu of otherwise participating. IWD Exhibits 1 through 6 and Claimant Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the following agency administrative records: DBRO, KCCO, the March 29, 2024 (reference 02) decision, and the reference 02 supplemental documents.

ISSUES:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of March 10, 2024 through March 23, 2024.

FINDINGS OF FACT:

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

Philip Butler (claimant) established an original claim for benefits that was effective July 16, 2024 and Additional Claims that included an Additional Claim that was effective March 10, 2024. In connection with the March 10, 2024 Additional Claim, the claimant made a weekly claim for the week that ended March 16, 2024 and then discontinued the claim. The claimant did not make a claim for the week ending March 23, 2024 or for any more recent week.

On March 12, 2024, Iowa Workforce Development mailed an ID verification letter to the claimant. The letter imposed a March 18, 2024 deadline for the claimant to submit documents

to verify his identity. The letter provided a list of accepted documents and the methods by which the claimant could provide the documents.

On March 17, 2024, the claimant accessed ID.me for the purpose of submitting ID verification documents to IWD. The claimant participated in a video conference with an ID.me agent. The claimant uploaded a copy of his Real ID Iowa driver's license and a Medicare Health Insurance card. The ID.me representative verified receipt of the ID verification documents and indicated they were acceptable documents for verifying identity. IWD accepts the Real ID as identity verification documentation without need for a second document. In connection with each interaction with ID.me, the claimant received a confirmation message that stated: "Your identity verification for Iowa Workforce Development (IWD) was successful. Complete these steps to share your information with IWD." When the claimant complied with the prescribed steps, the IWD computer system would not let the claimant access the referenced "sharing" step. The claimant tried again the next day with the same outcome. The claimant subsequently learned there was an alternate online means to upload ID verification documents. The claimant used that alternate route to upload the same ID verification documents on March 28, 2024. The claimant contacted IWD on March 29, 2024 and an agency representative confirmed receipt of the documents.

On March 28, 2024, an IWD representative documented receipt of the ID verification documents and used March 27, 2024 as the day the documents were received.

IWD then issued the March 29, 2024 (reference 02) decision that allowed benefits for the period beginning March 24, 2024, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits for failure to prove his identity but had later provided documents to verify his identity. One effect of the reference 02 decision was to deny benefits for the Additional Claim period of March 10, 2024 through March 23, 2024.

REASONING AND CONCLUSIONS OF LAW:

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".

Iowa Administrative Code rule 871-24.3(2) provides as follows:

(2) The claim will not become valid until the identity has been verified by the department. If the claimant has not provided the information to verify identity within seven calendar days of filing of a claim, the claim will be voided. The claimant must submit another claim for benefits. The effective date of the claim would be the Sunday of the week the identity was verified.

In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. Iowa Administrative Code rule 87124.2(1)(e). Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements. Iowa Administrative Code rule 87124.23(11).

The evidence establishes that the claimant took good faith, reasonable steps to comply with the ID verification requirement on March 17 and 18, 2024. The claimant received confirmation from IWD's agent, ID.me, that his documents were received and were acceptable. The claimant was thwarted by the IWD computer system when he attempted to further "share" his ID verification documents with IWD. Any delay in the ID verification process was attributable to IWD, not the claimant. There is good cause to treat the March 17, 2024 submission of ID verification documents, as well as later submissions of the same documents, as timely compliance with the ID verification requirement. No disqualification shall enter in connection with the ID verification issue. Benefits are allowed for the Additional Claim period beginning March 10, 2024, provided the claimant is otherwise eligible.

DECISION:

The March 29, 2024 (reference 02) decision is MODIFIED IN FAVOR OF THE CLAIMANT/APPELLANT. The claimant complied with the ID verification requirement in a timely manner. No disqualification shall enter in connection with the ID verification issue. Benefits are allowed for the Additional Claim period beginning March 10, 2024, provided the claimant is otherwise eligible.



James E. Timberland
Administrative Law Judge

April 29, 2024
Decision Dated and Mailed

jet/scn

APPEAL RIGHTS. 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 Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) 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>.

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 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 this 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.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.