

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CHLOE E RAY**  
Claimant

**APPEAL NO. 22A-UI-06130-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/19/21  
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 871-24.2(1)(e) & 871-24.23(11) – Failure to Report as Directed

**STATEMENT OF THE CASE:**

On March 9, 2022, Chloe Ray (claimant) filed a timely appeal from the March 7, 2022 (reference 02) decision that allowed benefits for the period beginning February 27, 2022, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits due to a failure to prove her identity, but had subsequently provided the requested documents and her identity had been verified. One effect of the reference 02 decision was to disqualify the claimant for benefits for the period of December 19, 2021 through February 26, 2022. After due notice was issued, a hearing was held on April 20, 2022. Claimant participated. Exhibit 1, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, KLOG, the March 7, 2022 (reference 02) decision, and the ID verification notice letter dated December 23, 2021. The administrative law judge also took official notice of an IWD email from Natali Atkinson, dated April 15, 2022, regarding an IWD computer system "glitch" during the period of December 12, 2021 through January 15, 2022, whereby the computer system did not prompt benefit applicants to submit proof of identity.

**ISSUE:**

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of December 19, 2021 through February 26, 2022.

**FINDINGS OF FACT:**

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

The claimant established an original claim for benefits that was effective December 19, 2022. At the time the claimant made her initial application for benefits, the IWD computer system did not prompt the claimant to submit proof of identity. After the claimant established her claim, the

claimant made weekly claims for each of the six weeks between December 19, 2021 through January 12, 2022.

IWD records reflect that IWD mailed a letter to the claimant on December 23, 2021 in which letter IWD advised that IWD had been unable to verify the claimant's identity and directed the claimant to submit the required ID verification documents by December 29, 2021 or delay or denial of benefits.

The claimant did not receive the December 23, 2021 and was unaware there was an issue with her claim until the claimant called IWD customer service during the week of February 27, 2022. At that time, the claimant learned IWD needed to verify her identity. The claimant promptly submitted a copy of her Iowa driver's license and her Social Security card.

On March 7, 2022, IWD issued the reference 02 decision that allowed benefits for the period beginning February 27, 2022, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits due to a failure to prove her identity, but had subsequently provided the requested documents and her identity had been verified. One effect of the reference 02 decision was to disqualify the claimant for benefits for the period of December 19, 2021 through February 26, 2022.

#### **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.

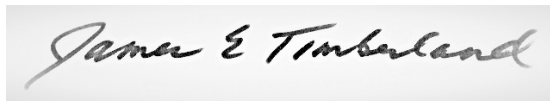
In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. Iowa Administrative Code rule 871-24.2(1)(e). Failure to report as directed to workforce development 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 871-24.23(11).

Any delay in verifying the claimant's identity was attributable to IWD error and, perhaps, United States Postal Service error. The claimant was unaware of the identity verification issue

impacting her claim until the week of February 27, 2022, when she contacted IWD. IWD computer system had not alerted the claimant to the need to verify her identity. The claimant did not receive the December 23, 2021 letter regarding the need to verify her identity. No disqualification will enter in connection with the identity verification issue. The claimant is eligible for benefits for the period beginning December 19, 2021, provided she meets all other requirements.

**DECISION:**

The March 7, 2022 (reference 02) decision is MODIFIED in favor of the claimant/appellant. The claimant is eligible for benefits for the period beginning December 19, 2021, provided she meets all other requirements. No disqualification will enter in connection with the identity verification issue.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

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James E. Timberland  
Administrative Law Judge

April 22, 2022  
Decision Dated and Mailed

jet/kmj