

**IOWA DEPARTMENT OF INSPECTIONS & APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS, UI APPEALS BUREAU**

CORY R LITTLE

Claimant

APPEAL NO. 23A-UI-05880-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/07/23
Claimant: Appellant (1)**

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 June 7, 2023, Cory Little filed a timely appeal from the May 31, 2023 (reference 02) decision that allowed benefits effective May 28, 2023, provided the claimant was otherwise eligible. The decision stated the claimant had been disqualified for benefits for failing to prove his identity, but had since provided documents to prove his identity. The effect of the decision was to deny benefits for the period of May 7-27, 2023, based on the failure to provide proof of identity due that period. After due notice was issued, a hearing was held on June 28, 2023. Claimant participated. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, KLOG, the May 10, 2023 ID verification letter, the reference 01 and 02 decisions, and the reference 2 supplemental document.

ISSUE:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of May 7, 2023 through May 27, 2023.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:
Cory Little (claimant) has at all relevant times been employed by John Deere as a full-time assembler. The claimant works a Monday through Friday work schedule. The claimant was temporarily laid off during the week of May 7-13, 2023. The claimant's last work day before the week of temporary layoff was Friday, May 5, 2023.

After the claimant finished work on May 5, 2023, he left his Waterloo residence and traveled to a family cabin, where he remained until Sunday, May 14, 2023.

During the week of May 7, 2023, the claimant established an original claim for benefits that was effective May 7, 2023. When the claimant completed his online application for benefits, he did not note information requesting that he upload documents to prove his identity. Though the

application process required the claimant to acknowledge and agree to read, know and follow the information contained in the Unemployment Insurance Claimant Handbook, the claimant did not review the handbook. The handbook addressed the ID verification requirement in the first pages of the handbook.

On May 10, 2023, Iowa Workforce Development mailed a letter to the claimant's Waterloo address of record. The letter stated:

We were not able to verify your identity. If you do not submit proof of your identity by 05/16/23, your benefits may be delayed or denied. Any documents sent by mail must be postmarked by the due date to be considered timely.

You must still submit proof of identity to receive any benefit payments even if the due date has passed.

The letter went on to specify acceptable proof of identity documents and provided instructions for submitting the documents to IWD online, by mail or in person.

The May 10, 2023 letter was delivered to the claimant's address of record in a timely manner, prior to the May 16, 2023 deadline.

On Sunday, May 14, 2023, the claimant made a weekly claim for the week that ended May 13, 2023. This is the only week for which the claimant has made a claim since establishing his claim for benefits.

On Monday, May 15, 2023, the claimant returned to the full-time employment at John Deere.

Within the first few days of returning to work, the claimant heard coworkers talking about a need to submit proof of identity as a condition for receiving unemployment insurance benefits.

On May 17, 2023, the claimant checked his mailbox, where the May 10, 2023 letter from IWD was waiting. The claimant reviewed the letter, but did not take immediate steps to respond to the letter.

On May 30, 2023, the claimant uploaded his ID verification document via the IWD website. IWD documented receipt of the ID verification materials on May 30, 2023.

On May 31, 2021, IWD Benefits Bureau issued the reference 02 decision that allowed benefits effective May 28, 2023, provided the claimant was otherwise eligible. The decision stated the claimant had been disqualified for benefits for failing to provide his identity, but had since provided documents to prove his identity. The effect of the decision was to deny benefits for the period of May 7-27, 2023, based on the failure to provide proof of identity.

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).

The claimant did not meet the availability requirement during the period May 7, 2023 through May 27, 2023, due to the claimant failure to submit proof of identity by the May 16, 2023 deadline or at point prior to May 30, 2023. The May 10, 2023 ID verification letter was delivered to the claimant's address of record in a timely manner, prior to the May 16, 2023 deadline. The claimant elected to be away from home for the period of May 5-14, 2023. After the claimant returned home on May 14, 2023, he unreasonably delayed viewing the contents of his mailbox on May 17, 2023. At the time the claimant returned home on May 14, 2023, there was still time and reasonable opportunity to submit the ID verification documents by the May 16, 2023 deadline. By the time the claimant reviewed the time-sensitive correspondence, the response deadline had passed. The claimant further unreasonably delayed submitting the ID verification documentation until May 30, 2023. The IWD deputy correctly concluded the ID verification disqualification was to be lifted effective May 28, 2023, the start of the week during which the claimant submitted the required ID verification documents. The IWD deputy correctly concluded the claimant was not eligible for benefits for the period of May 7-27, 2023.

Because the ID verification issue disqualified the claimant for benefits for the week that ended May 13, 2023, and because the claimant did not make weekly claims for any subsequent weeks, the administrative law judge need not further address the availability issue in this decision.

DECISION:

The May 31, 2023 (reference 02) decision is AFFIRMED. In light of the claimant's submission of ID verification documents on May 30, 2023, the claimant is eligible for benefits effective May 28, 2023, provided the claimant meets all other eligibility requirements. Due to the failure to provide timely proof of identity prior to the week of May 28, 2023, the claimant did not meet the availability requirement during the three-week period of May 7, 2023 through May 27, 2023 and is not eligible for benefits for that period.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

James E. Timberland
Administrative Law Judge

June 30, 2023
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
4th Floor – Lucas Building
Des Moines, Iowa 50319
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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: 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.