

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALAN F MCDONELL
Claimant

APPEAL 22A-UI-05749-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/28/21
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available – Benefits Eligibility Conditions
Iowa Admin. Code r. 871-24.2(1)(e) – Able & Available – Report as Directed by Department
Iowa Admin. Code r. 871-24.3(2) – Able & Available – Identity Verification

STATEMENT OF THE CASE:

The claimant/appellant, Alan F. McDonell, filed an appeal from the March 2, 2022 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on April 14, 2022. The claimant participated personally. He was represented by Janice Corderman, who is also his wife. Official notice of the administrative record was taken. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant timely provide verification of his identity?
Did the claimant fail to report as directed by a department representative?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant initially opened his claim for unemployment insurance benefits effective November 28, 2021 after a seasonal layoff from Polk County, where he works part-time in maintenance.

Ms. Corderman typed in answers to the initial claim, as dictated by claimant. Claimant was unable to verify his identity through the online verification process. Therefore, on his claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of his identity to the agency in order to prevent his benefits from being delayed and his claim from being canceled. The claimant had until December 7, 2021 to provide the documentation.

On December 1, 2021, the agency mailed claimant a letter also stating that if he was unable to provide proof of his identity by December 7, 2021, “benefits may be delayed and ... claim may be canceled.”

Claimant did not receive the letter immediately and he and Ms. Corderman were traveling through California, Arizona, Nevada and Texas during the time. They relied upon a friend to collect mail and read aloud letters to them. Notification of the letter was therefore delayed to claimant.

The letter directed claimant to provide certain identification documentation, including a document containing his social security number. Claimant was traveling at the time and did not have his social security card available. The letter mailed to the claimant also provided information that if a social security card was not available, there was a list of other documents that would be acceptable: <https://www.iowaworkforcedevelopment.gov/verify>

The claimant did not visit the website, but if he had, he would have seen the following:

Approved Documents with SSN **If social security card is not available. You can provide a document from this list. Additionally, you must provide 2 of the documents from the list above under "Identity Documents".

- W-2 Form
- SSA- 1099 Form
- Non-SSA 1099 Form
- Pay Stub with your name and Social Security Number on it
- Social Security Administration documents establishing that you are ineligible for a Social Security Number

<https://www.iowaworkforcedevelopment.gov/verify>ⁱ

Claimant sent in other documents to IWD to review including a license, passport, and a car registration. IWD notified claimant he still had not provided the necessary documentation.

Claimant returned to Iowa on February 12, 2022. Claimant did not provide proof of his identity until on or about February 14, 2022, when he visited the Parkview Mall satellite office. At that time, he provided the IWD representative a copy of his social security card, but it was not processed by IWD. IWD then sent a second letter to claimant dated February 16, 2022, stating he had until February 22, 2022 to respond. Claimant made another attempt to provide documentation at the Army Post Road location and it was received. IWD allowed benefits effective February 27, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the initial decision shall be modified in favor of the claimant/appellant.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

Iowa Admin. Code r. 871-24.3(2) provides:

The claim will not become valid until the identity has been verified by the department...

When claimant failed to verify his identity while opening his claim, a message would have appeared with his claim confirmation number notifying him that his identity could not be verified and he needed to take additional action. Claimant was also mailed a letter on December 1, 2021, reminding him that he must provide requested documentation or may risk his benefits being suspended. Claimant did not provide the requested documentation until February 14, 2022.

The administrative law judge is sympathetic to the claimant but the credible evidence presented does not support that the claimant's failure to provide the required documentation in a timely manner before February 14, 2022 was due to Agency error. Claimant chose to travel around the country for approximately two and a half months, without his social security card, and without making arrangements to obtain a document from the approved list containing his social security number to provide to IWD. Claimant did provide sufficient documentation on February 14, 2022 but due to Agency error, it was not immediately processed.

Claimant failed to file timely verification of his identity. He did provide sufficient documentation effective February 14, 2022 (not February 27, 2022). Therefore, the administrative law judge finds claimant was not available for work until February 14, 2022, when he provided the required identity verification documents to the agency. Benefits are allowed effective February 13, 2022, provided he is otherwise eligible.

DECISION:

The March 2, 2022, (reference 01) unemployment insurance decision is modified in favor of the claimant/appellant. Claimant was not available for work for the period of November 28, 2021 through February 12, 2022, as he failed to provide verification of identity as required. Benefits are allowed effective February 13, 2022, provided claimant is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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April 20, 2022
Decision Dated and Mailed

jlb/kmj

¹ Last accessed on 4/14/2022.