

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDY L RAPENSKE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-01947-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/26/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(11) – Eligibility – A&A – Failure to Report
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:

Claimant filed an appeal from the February 28, 2020 (reference 01) unemployment insurance decision that allowed benefits effective February 23, 2020, based upon a determination that claimant initially failed to provide verification of identity but subsequently did so. Claimant was properly notified of the hearing. A telephone hearing was held on March 20, 2020, at 8:00 a.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant was able to and available for work.
Whether claimant failed to report as directed by a department representative.
Whether claimant timely provided verification of identity.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant initially opened a claim for unemployment insurance benefits effective January 26, 2020. 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 February 4, 2020 to provide the documentation.

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. Specifically, claimant would have seen something nearly identical to the following information:

Unemployment Insurance Claim Confirmation

Your claim confirmation number is [REDACTED]

You have successfully filed your unemployment insurance claim. The above confirmation number is proof that you have filed your claim. Please keep a record of your confirmation number. If you provided a valid e-mail address, you will receive an e-mail confirmation when the processing of your online claim has been completed. If additional information is needed, you will be contacted by phone or mail. If this claim is your initial application for unemployment benefits, you will receive instructions and other important documents in the mail. It is your responsibility to read all documents you receive.

We were not able to verify your identity. You may not receive benefits and your claim may be cancelled if you do not verify your identity. If we do not receive the required documents by Thursday, February 28, 2019, your benefits may be delayed and your claim may be cancelled. You must provide the appropriate documents. [Click here](#) to see document options.

Send your documents to us one of the following ways:

1. Mail the appropriate documents with a letter requesting to be verified, to the following address:
Iowa Workforce Development
Attn: Benefits Bureau
PO Box 10332
Des Moines, Iowa 50319-0209
2. Bring your documentation to an American Job Center. To view the American Job Center locations, [click here](#).

You will be able to file a weekly continued claim for benefits with an unverified identity.

The only difference between the graphic above and the message claimant would have received is that claimant would have had until February 4, 2020, to provide his required documents.

On January 29, 2020, the agency mailed claimant a letter also stating that if he was unable to provide proof of his identity by February 4, 2020, "benefits may be delayed and ... claim may be canceled." Claimant did not receive the letter. On February 20, 2020, claimant contacted Iowa Workforce Development because he had not received a benefit payment. Claimant was told that he needed to verify his identity. On February 26, 2020, claimant took his driver's license and social security card to his local IowaWorks office. The documents were received by Iowa Workforce Development on February 26, 2020. On February 28, 2020, the agency issued a decision finding claimant eligible for benefits effective February 23, 2020, as he provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of his identity.

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 provides:

A claim will not become valid until the identity of the claimant has been verified by the department.

(1) Upon the filing of a claim, notification shall be provided to the claimant if the claimant's identity was not verified.

(2) If the agency is unable to verify the claimant's identity in the claim application, the claimant must provide approved documents. Approved documents must include at least one document containing a social security number. The department shall determine the approved documents required to verify identity. The list of approved documents can be found at the nearest local workforce center or online.

(3) The claimant's identity will not be considered verified until approved documents have been provided. The claim shall remain locked from issuance of benefits until the claimant has provided the approved documents to verify identity.

(4) After filing a claim application, the claimant shall not be eligible for benefits for any week until approved documents are provided to verify identity.

(5) Approved documents must be provided or postmarked by Saturday at 11:59 p.m. of the week in which the approved documentation is due, and the claim shall be unlocked for all weeks following the most recent effective date of the claim application.

(6) If required documents are provided in any subsequent weeks following the due date, the claimant shall be eligible, provided there are no other outstanding issues with the claim, as of the Sunday of the week the claimant's identity was verified.

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) 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.

In this case, claimant received notification when he filed his claim online that he needed to provide verification of his identity by February 4, 2020, in order to prevent benefits from being delayed and/or his claim being canceled. Claimant did not provide the requested documentation until February 26, 2020. The administrative law judge is sympathetic to the claimant and notes that claimant did not receive the January 29, 2020 letter; however, claimant did receive notice when he filed his online claim. The credible evidence presented does not support that claimant's failure to provide the required documentation in a timely manner was due to Agency error. The administrative law judge finds claimant was not available for work until February 26, 2020, when he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from January 26, 2020 until February 22, 2020. Benefits are allowed effective February 23, 2020, provided claimant is otherwise eligible.

DECISION:

The February 28, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant was not available for work for the period of January 26, 2020 through February 22, 2020, because claimant failed to provide verification of identity as required. Benefits are allowed effective February 23, 2020, provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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March 31, 2020
Decision Dated and Mailed

acw/scn