

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANDREW D GIESE**  
Claimant

**APPEAL 19A-UI-05796-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/22/18  
Claimant: Appellant (1)**

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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:**

On June 26, 2019, the claimant filed an appeal from the June 18, 2019, (reference 10) unemployment insurance decision that allowed benefits effective June 9, 2019, based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so. Claimant waived notice of the hearing in the recording made on Appeal Number 19A-UI-05138-CL-T. A telephonic hearing was held on July 24, 2019. The claimant participated.

**ISSUE:**

Is the claimant able to and available for work effective May 26, 2019?  
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 filed an additional claim for unemployment insurance benefits effective May 26, 2019. 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 by June 3, 2019, in order to prevent his benefits from being delayed and his claim from being canceled. On May 29, 2019, the agency mailed claimant a letter also stating that if he was unable to provide proof of his identity by June 3, 2019, “benefits may be delayed and ... claim may be canceled.”

Claimant did not provide proof of his identity until on or about June 14, 2019. The claimant’s unemployment insurance claim was unlocked at that time. The same day, the agency issued a decision finding claimant eligible for benefits effective June 9, 2019, 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.

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...

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

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

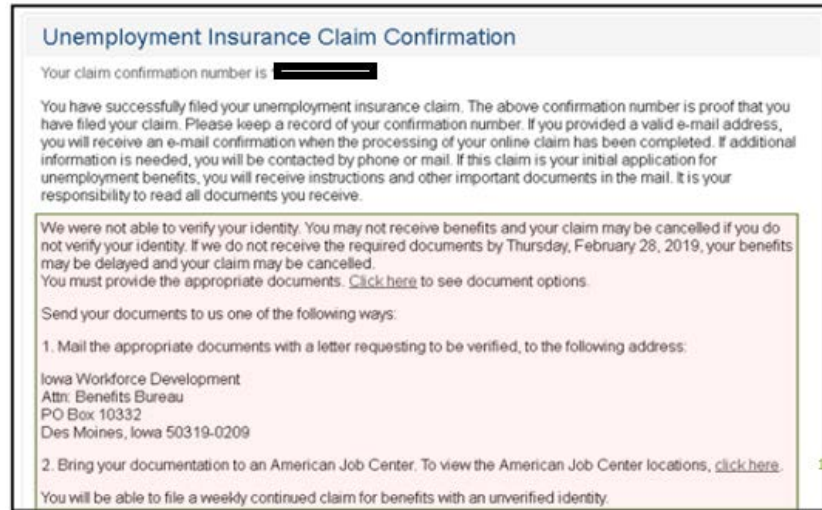
Iowa Admin. Code r. 871-24.23(11) provides:

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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds claimant was not credible when he denied knowing that he needed to provide proof of his identity until he received the May 29, 2019, letter. When claimant failed to verify his identity while re-opening the claim, a message would have appeared with his claim confirmation number noting 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:



The only difference between the graphic above and the message claimant would have received is that claimant would have had until June 3, 2019, to provide the required documents.

In any event, claimant admitted to receiving the May 29, 2019, letter in the mail, and had notice at that time that he needed to provide additional information in order to receive benefits.

In this case, claimant received notification that he needed to provide verification of his identity by June 3, 2019, in order to prevent his benefits from being delayed and/or his claim being canceled. Claimant did not provide the requested documentation until June 14, 2019. There is no evidence in the record indicating 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 June 9, 2019, the week during which he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from May 26 through June 9, 2019. Benefits are allowed effective June 9, 2019, provided claimant is otherwise eligible.

**DECISION:**

The June 18, 2019, (reference 10) unemployment insurance decision is affirmed. Claimant was not available for work during the two-week period ending June 8, 2019, as he failed to provide verification of identity as required. Benefits are allowed effective June 9, 2019, provided he is otherwise eligible.

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Christine A. Louis  
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Decision Dated and Mailed

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