

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**DARREN A DIETRICH**  
Claimant

**APPEAL NO: 22A-UI-06505-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/26/21  
Claimant: Appellant (2)**

---

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 – Able & Available – Identity Verification

**STATEMENT OF THE CASE:**

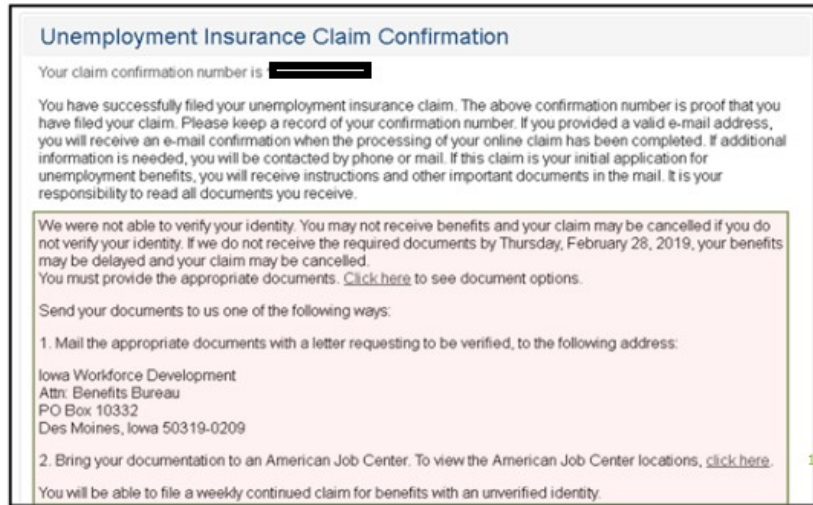
The claimant filed an appeal from the March 11, 2022, (reference 01) unemployment insurance decision that allowed benefits effective March 6, 2022, based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so. Claimant was notified of the hearing. A telephone hearing was held on April 22, 2022. The claimant participated. No exhibits were received into the record. Official notice was taken of the agency records.

**ISSUE:**

Is the claimant able to and available for work?  
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: The claimant filed an additional claim for unemployment insurance benefits effective February 6, 2022. The claimant was unable to verify his identity through the online verification process. On the claim confirmation page, a notice was supposed to appear informing the claimant that he must provide qualifying proof of identity to the agency by February 15, 2022, in order to prevent benefits from being delayed and the claim from being canceled. The notification would have looked similar to the graphic below:



The claimant credibly denied that this graphic was displayed.

Additionally, on February 9, 2022, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by February 15, 2022, “benefits may be delayed and ... claim may be canceled.” The claimant did not receive this notice in the mail.

The claimant did not provide proof of identity until on or about March 6, 2022. On that day, the claimant mailed in a copy of his driver’s license and passport. 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 March 6, 2022, as the requested identity verification documents were provided.

### **REASONING AND CONCLUSIONS OF LAW:**

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

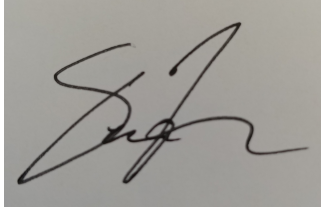
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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, Iowa Workforce Development notified claimant that identity verification needed to be provided by February 15, 2022, in order to prevent benefits from delayed or the claim being cancelled. Claimant did not provide the requested documentation until March 6, 2022. There is evidence in the record indicating claimant's failure to provide the required documentation in a timely manner was due to agency error. The claimant was not prompted as part of the verification process and he did not receive the notice mailed to him on February 9, 2022. Given these circumstances, the claimant is eligible for benefits effective February 6, 2022.

**DECISION:**

The unemployment insurance decision from March 11, 2022, (reference 01) is reversed. The claimant was available for work during the four-week period ending March 6, 2022, as he is excused from not providing his identification earlier due to agency error. Benefits are allowed effective February 6, 2022, provided claimant is otherwise eligible.

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to read 'Sean M. Nelson'.

---

Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

May 6, 2022

---

Decision Dated and Mailed

smn/ac