

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENDRA J PILLARD
Claimant

APPEAL 22A-UI-04329-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/19/21
Claimant: Appellant (1)**

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:

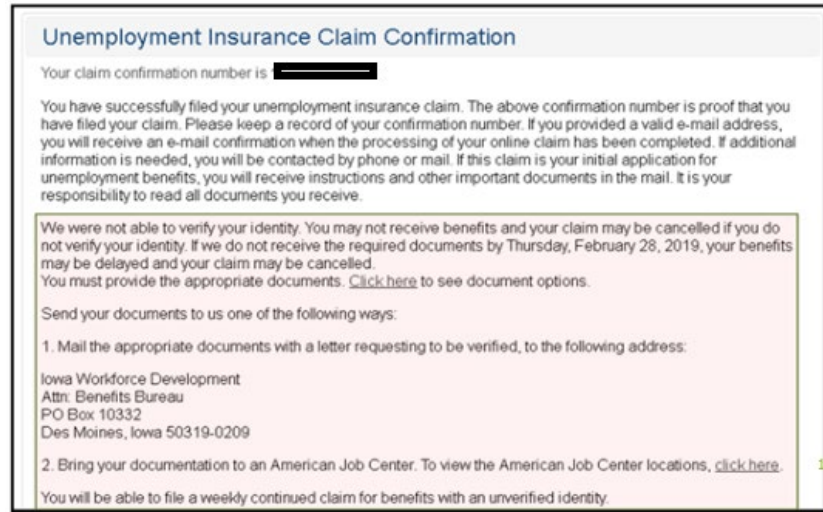
On February 9, 2022, the claimant filed an appeal from the January 27, 2022, (reference 02) unemployment insurance decision that allowed benefits effective January 16, 2022, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. Claimant was notified of the hearing. A telephone hearing was held on March 21, 2022. The claimant participated. The administrative law judge took official notice of the administrative record including the fact-finding documents.

ISSUES:

Is the claimant able to and available for work?
Did the claimant timely provide verification of her 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 a claim for unemployment insurance benefits effective December 19, 2021. Claimant was unable to verify her identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of identity to the agency by January 13, 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:

A screenshot of an email titled "Unemployment Insurance Claim Confirmation". The email body contains the following text: "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." Below this is a pink-shaded box containing the text: "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." Below the pink box, it says: "Send your documents to us one of the following ways:" followed by two numbered options. Option 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". Option 2: "Bring your documentation to an American Job Center. To view the American Job Center locations, [click here](#)." At the bottom, it states: "You will be able to file a weekly continued claim for benefits with an unverified identity." There is a small "12" in the bottom right corner of the email body.

The only difference between the graphic above and the message claimant would have received is that claimant would have had until January 13, 2022, to provide the required documents.

Additionally, on January 7, 2022, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by January 13, 2022, "benefits may be delayed and ... claim may be canceled."

Claimant did not provide proof of identity until on or about January 21, 2022. 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 January 16, 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.

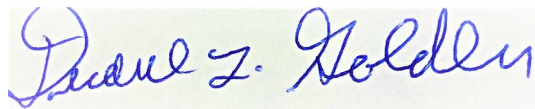
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

In this case, Iowa Workforce Development notified claimant that identity verification needed to be provided by January 13, 2022, in order to prevent benefits from delayed or the claim being cancelled. Claimant did not provide the requested documentation until January 21, 2022. 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 January 16, 2022, the week the required identity verification documents were provided to the agency.

Therefore, benefits are withheld for the four-weeks ending January 15, 2022. Benefits are allowed effective January 16, 2022, provided claimant is otherwise eligible.

DECISION:

The January 27, 2022 unemployment insurance decision is affirmed. Claimant was not available for work during the four-week period ending January 15, 2022, as she failed to provide verification of identity as required. Benefits are allowed effective January 16, 2022, provided claimant is otherwise eligible.



Duane L. Golden
Administrative Law Judge

March 31, 2022
Decision Dated and Mailed

dlg/scn