

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH MCDONALD
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-00560-SN-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/05/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search
Iowa Admin. Code r. 871-24.2(1)E – Failure to Report as Directed
Iowa Admin. Code r. 871-24.23(11) – Failure to Report as Directed
Iowa Admin. Code r. 871-24.3(2) – Identity Verification

STATEMENT OF THE CASE:

The claimant/appellant, Joseph McDonald, filed an appeal from the December 3, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits effective November 14, 2021 based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so. After proper notice, a telephone hearing was held on January 26, 2022. The claimant participated personally.

The administrative law judge took official notice of the administrative records. 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:

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 a claim for unemployment insurance benefits effective September 5, 2021. The administrative records indicate that the claimant submitted identity documents for this claim, in response to the following notification graphic below:

The claimant reopened his existing claim on October 24, 2021. The claimant would have received a prompt like the one displayed above after reopening his claim.

Additionally, on October 27, 2021, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by November 2, 2021, “[His] benefits may be delayed or denied.” The claimant did not receive this letter until November 15, 2021. Claimant did not provide proof of identity until on or about November 18, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the delay in claimant verifying his identity was attributable to delay caused by Iowa Workforce Development or the US Postal Service. He further concludes the claimant is eligible for benefits effective October 24, 2021.

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. Iowa Admin. Code r. 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.

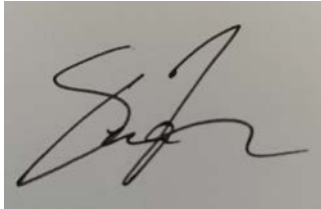
- (3) The claimant's identity will not be considered verified until approved documents have been provided. The claim shall remain locked from issuance of benefits until the claimant has provided the approved documents to verify identity.
- (4) After filing a claim application, the claimant shall not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

In this case, Iowa Workforce Development notified claimant that identity verification needed to be provided by November 2, 2021, in order to prevent benefits from delayed or the claim being cancelled. The claimant did not receive this notice until November 15, 2021.

The administrative law judge finds the claimant able and available for work during the weeks filed. The administrative law judge further finds any delay in identity verification was due to error or delay attributable to Iowa Workforce Development or the US Postal Services. The claimant submitted documents providing his identity when he learned it was an issue. Benefits are granted effective October 24, 2021.

DECISION:

The December 3, 2021 (reference 01) initial decision is reversed. Claimant was available for work effective October 24, 2021. The claimant is excused from verifying his identity by November 2, 2021 as directed by the notice sent on October 27, 2021 because he did not receive the notice until November 15, 2021 due to the Iowa Workforce Development or US Postal Service error. Benefits are allowed effective October 24, 2021, provided claimant is otherwise eligible.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown on a light gray background.

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

February 22, 2022
Decision Dated and Mailed

smn/scn