

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TERRY L DE BRUIN
Claimant

APPEAL NO. 20A-UI-02099-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/05/20
Claimant: Appellant (1)

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Verification of Identity
Iowa Administrative Code Rules 871-24.2(1)(e) & 871-24.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

Terry L. De Bruin filed a timely appeal from the February 24, 2020, reference 02, decision that allowed benefits effective February 16, 2020, provided Mr. De Bruin met all other eligibility requirements, based on the deputy's determination that Mr. De Bruin had been disqualified for benefits for failure to prove his identity, but had subsequently provided the requested documents to verify his identity. The reference 02 decision, in conjunction with a January 9, 2020 letter, denied benefits for the period of January 5, 2020 through the benefit week that ended February 15, 2020, which provides the basis for Mr. De Bruin's appeal. After due notice was issued, a hearing was held on April 22, 2020. Mr. De Bruin participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, the January 9, 2020, letter regarding verification of identity, materials submitted by the claimant and received by the Agency on February 4, 2020, materials submitted by the claimant and received by the Agency on February 20, 2020, the deputy's Statement of Fact/Decision Worksheet dated February 20, 2020.

ISSUE:

Whether the claimant failed to provide proof of identity in a timely manner in response to an agency directive and therefore did not meet the availability requirement for the period of January 5, 2020 through February 15, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Terry De Bruin established an original claim for benefits that was effective January 5, 2020. Mr. De Bruin did not submit documentation to verify his identity at the time he made his application for benefits. Mr. De Bruin does not recall encountering a request that he verify his identity as part of the online benefit application process. After Mr. De Bruin established his original claim for benefits, he commenced making weekly claims. Mr. De Bruin's weekly claims

included weekly claims for the six consecutive weeks between January 5, 2020 through February 15, 2020.

On January 9, 2020, Iowa Workforce Development mailed a letter to Mr. De Bruin at his last-known address of record. The letter stated that Iowa Workforce Development had been unable to verify Mr. De Bruin's identity. The letter warned that if Mr. De Bruin did not submit proof of his identity by January 15, 2020, his benefits could be delayed or denied. The letter listed the appropriate forms of identity for verification purposes. The letter indicated that proof of identity required submission of "A copy of a government-issued identification document that includes your Social Security Number (SSN)." The letter indicated that one of the following documents must also be submitted:

- Driver's license, a state issued ID, or Military ID
- U.S. Passport
- Permanent Resident Card or Alien Registration Card
- Employment Authorization Document
- Other government-issued identification document

The January 9, 2020 letter was not delivered to Mr. De Bruin's mailbox until January 19, 2020.

On February 4, 2020, Mr. De Bruin submitted a valid, temporary driver's license and a W-2 Wage and Tax Statement to Iowa Workforce Development in an attempt to verify his identity. The driver's license was a government-issued ID, but did not include Mr. De Bruin's Social Security number. The W-2 included Mr. De Bruin's Social Security number, but was not a government-issued document. Under the Workforce Development identity verification requirements published on the Agency's website, a third identity verification document was necessary because Mr. De Bruin had submitted his Social Security number on a W-2, rather than a government issued identification document. A Workforce Development representative reviewed Mr. De Bruin's materials on February 9, 2020 and concluded that materials did not satisfy the verification requirements. Mr. De Bruin subsequently received another letter from Iowa Workforce Development that directed him to submit the required identity verification documents.

On February 20, 2020, Mr. De Bruin submitted to Iowa Workforce Development a copy of his permanent driver's license, the same W-2 he had previously submitted, and a utility bill from North West Rural Electric Cooperative. Upon receipt of the three documents, an Iowa Workforce Development Benefits Bureau deputy found the trio of documents sufficient to verify Mr. De Bruin's identity and entered the February 24, 2020, reference 02, decision that allowed benefits effective the week that started February 16, 2020, provided Mr. De Bruin met all other eligibility requirements.

REASONING AND CONCLUSIONS OF LAW:

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. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for

failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Administrative Code rule 871-24.3(2) provides as follows:

(2) The claim will not become valid until the identity has been verified by the department. If the claimant has not provided the information to verify identity within seven calendar days of filing of a claim, the claim will be voided. The claimant must submit another claim for benefits. The effective date of the claim would be the Sunday of the week the identity was verified.

In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. Iowa Administrative Code rule 871-24.2(1)(e). 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. Iowa Administrative Code rule 871-24.23(11).

Though Mr. De Bruin does not recall seeing a reference to verifying his identity when he made his initial online application for benefits, such information was indeed included in the online application materials that Mr. De Bruin had to navigate to complete his application for benefits. The online application materials referenced the need to submit identity verification documents online as part of the online application process or within seven calendar days of filing the claim. Mr. De Bruin's omission of the required identity verification documents from his online application for benefits triggered the January 9, 2020 letter that directed him to submit the identity verification documents by January 15, 2020. Mr. De Bruin did not receive the January 9, 2020 until January 19, 2020. Even though he saw he was beyond the deadline referenced in the letter, he elected to wait another 16 days to submit identity verification documents and at that time did not have sufficient documentation to satisfy the identity verification requirement. Mr. De Bruin did not satisfy the identity verification requirement until February 20, 2020. The Benefits Bureau deputy corrected determined that Mr. De Bruin was ineligible for benefits for the period of January 5, 2020 through February 15, 2020, based on his failure to submit the required identity verification materials until February 20, 2020.

DECISION:

The February 24, 2020, reference 02, is affirmed. The claimant is eligible for benefits effective February 16, 2020, provided he meets all other eligibility requirements, based on his submission of the required identity verification materials on February 20, 2020. The claimant is not eligible for benefits for the period of January 5, 2020 through February 15, 2020, due to his failure to submit the required identity verification materials until February 20, 2020.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

May 4, 2020
Decision Dated and Mailed

jet/scn