

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

JOSH L LONG
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-14434-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.4(3) - Ability to and Availability for Work
Iowa Admin. Code r. 871-24.2(1)(e) - Able & Available - Report as Directed by Department
Iowa Admin. Code r. 871-24.23(11) - Disqualifications - A&A - Report as Directed
Iowa Code § 96.6 - Department may Prescribe Regulations regarding Claims
Iowa Admin. Code r. 871-24.3(2) - Able & Available - Identity Verification

STATEMENT OF THE CASE:

Josh Long, claimant/appellant, timely filed an appeal from the June 16, 2022, (reference 01) unemployment insurance decision that allowed benefits effective 06/12/22, 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 August 5, 2022, at 2:00PM. Claimant personally participated. The department did not participate. Judicial notice was taken of the administrative record. Claimant waived the defect in the notice of hearing in that Iowa Admin. Code r. 871-24.23(11) was did not include the last part "1)" so it only read as 871-24.23(1 but it was listed as an issue. By waiving the defect, that code section is now added fully to the notice of hearing and will be addressed in this appeal.

ISSUES:

Is the claimant able to and available for work?
Did the claimant fail to provide verification of his identity?
Did the claimant fail to report as directed by a department representative?

FINDINGS OF FACT:

Having heard the testimony and considered the evidence in the record, the undersigned finds:

Claimant filed a claim for unemployment insurance benefits effective 12/12/21. The Department sent a letter on 02/24/22, notifying claimant that they were unable to verify his identity. It further notified him that if he did not submit proof of identity by 03/02/22, "benefits may be delayed or denied." It further notified him he must submit proof of identity even if the due date had passed. Claimant thought he sent his documents in via email on May 19, 2022, but later learned that the email was stuck in his email's outbox and was never sent. Claimant was later able to get this successfully sent through a few days after 06/12/22.

Claimant was in communication with Iowa Workforce Development (IWD) representatives in May 2020 regarding sending in documentation to verify his identity with the IWD rep advising that if proof was received by a certain timeframe, IWD could backdate the proof. Unfortunately for claimant, his email became stuck in his outbox and did not send. In communications with IWD representatives in June 2022, claimant became aware his communication was not received and that it was stuck in his outbox. Claimant was able to successfully send in his proof. The IWD representative could no longer backdate the proof but granted eligibility as of 06/12/22.

Claimant was not able and available for work until he verified his identity, which he was ultimately able to do so, being granted eligibility effective 06/12/22.

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 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. 871-24.2(1)e provides:

e. 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. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or on a selected debit card.

(2) In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

(3) The department retains the ultimate authority to choose the method of reporting and payment.

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

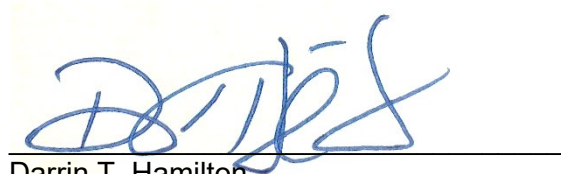
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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, IWD notified claimant that identity verification needed to be provided by March 2, 2022, in order to prevent benefits from delay or the claim being cancelled. Claimant did not provide the requested documentation until June 15, 2022. Claimant was not able and available for work until he verified his identity, by submitting documentation requested. When he finally did so, his eligibility was granted, effective June 12, 2022, provided claimant is otherwise eligible.

DECISION:

The June 16, 2022, (reference 01) unemployment insurance decision finding claimant eligible for benefits effective 06/12/22, as he has since verified his identity is **AFFIRMED**.



Darrin T. Hamilton
Administrative Law Judge

December 7, 2022
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.