

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANA C GALVAN-MUNGUIA**

Claimant

**APPEAL 23A-UI-06785-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/04/23**

**Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(11) – Able & Available – Failure to Report  
Iowa Admin. Code r. 871-24.2(1)(e) – Able & Available – Report as Directed by Department  
Iowa Admin. Code r. 871-24.3(2) – Able & Available – Identity Verification

**STATEMENT OF THE CASE:**

On July 6, 2023, claimant Ana C. Galvan-Munguia filed an appeal from the July 3, 2023 (reference 01) unemployment insurance decision that allowed benefits effective June 25, 2023, based upon a determination that claimant initially failed to provide verification of identity but subsequently did so. The parties were properly notified of the hearing. A telephonic hearing was held at 2:00 p.m. on Thursday, June 27, 2023. Claimant Ana C. Galvan-Munguia participated. Iowa Workforce Development participated through documentation in lieu of appearing at the hearing. Claimant's Exhibit 1, 2, and 3 were received and admitted into the record. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Whether claimant was able to and available for work.  
Whether claimant failed to report as directed by a department representative.  
Whether claimant timely provided verification of identity.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant initially opened a claim for unemployment insurance benefits effective June 4, 2023. She went to the local office to open her claim and was personally viewing the computer screen. Claimant was unable to verify her identity through the online verification process. Therefore, on her claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of her identity to the agency in order to prevent her benefits from being delayed and her claim from being canceled. The claimant had until June 14, 2023 to provide the documentation.

When claimant failed to verify her identity while opening her claim, a message would have appeared with her claim confirmation number notifying her that her identity could not be verified

and she needed to take additional action. Specifically, claimant would have seen something nearly identical to the following information:

**Unemployment Insurance Claim Confirmation**

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.

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.

Send your documents to us one of the following ways:

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
2. Bring your documentation to an American Job Center. To view the American Job Center locations, [click here](#).

You will be able to file a weekly continued claim for benefits with an unverified identity.

The only difference between the graphic above and the message claimant would have received is that claimant would have had until June 14, 2023, to provide the required documents. Claimant does not remember seeing this screen when filing her claim.

On June 8, 2023, IWD mailed claimant a letter also stating that if she was unable to provide proof of her identity by June 14, 2023, “benefits may be delayed or denied.” Claimant received the letter on Monday or Tuesday, June 12 or June 13. Claimant responded to the letter by going straight to Iowa Workforce Development and providing proof of identity on June 15 through a copy of her driver’s license and social security card to IWD. IWD’s KLOG system shows a note was made on claimant’s account on June 15, confirming she went to the local office that day.

Claimant called and followed up during the week of June 24 because she still had not received any payments. At that time, she learned that IWD had not received her ID verification documents. Claimant went back to the local office and was told she should try to resubmit her ID verification documents through the online portal, as the local office was no longer able to accept ID verification documents and unlock claims. The documents were received by IWD on June 26, 2023. On July 3, 2023, IWD issued a decision finding claimant eligible for benefits effective June 25, 2023, as she provided the requested identity verification documents.

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

For the reasons that follow, the administrative law judge concludes the claimant provided timely verification of identity.

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. 871 IAC 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.

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.

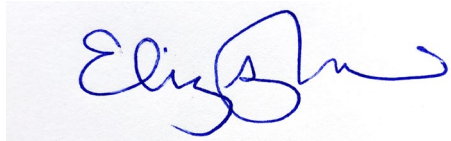
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

In this case, claimant received notification to provide verification of identity by June 14, 2023, in order to prevent benefits from being delayed or denied. Claimant provided the requested one day past the deadline but within the week that the documentation was due. This was within one or two days of receiving the letter. Claimant acted promptly and provided her documentation within the window of time allowed by the administrative rules.

Therefore, benefits are allowed effective June 4, 2023, provided claimant is otherwise eligible.

**DECISION:**

The July 3, 2023 (reference 01) unemployment insurance decision is modified in favor of the claimant. Claimant was available for work effective June 4, 2023, because claimant promptly provided verification of identity as required. Benefits are allowed effective June 4, 2023, provided claimant is otherwise eligible.



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Elizabeth A. Johnson  
Administrative Law Judge

July 28, 2023  
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  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://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 adquiriera 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.