

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

**MONICA J FOGLE**

Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 23A-UI-08018-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/30/23**

**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 August 18, 2023, claimant Monica J. Fogle filed an appeal from the August 16, 2023 (reference 01) unemployment insurance decision that allowed benefits effective August 13, 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 10:00 a.m. on Wednesday, September 6, 2023. Claimant Monica J. Fogle participated. Iowa Workforce Development participated through documentation only. Department's Exhibits 1, 2, 3, and 4 were received and admitted into the record without objection. 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 July 30, 2023. She personally operated the computer to open her claim. Claimant does not recall being told at the end of the claim-filing process that Iowa Workforce Development ("IWD") was unable to verify her identity. However, she and her husband opened their claims at the same time and her husband received a letter about bringing in his identity verification documents.

Based on her husband's letter, claimant accompanied her husband to the IWD local office in Marshalltown on August 3. She gave her documents to Sam Ibarra and told him that she had experienced difficulty checking her benefits status online. Ibarra looked into claimant's claim and told her that the claim was frozen. He took copies of her identity verification documents,

including her driver's license and her social security card. Ibarra followed up with her the following day to tell her he had taken care of everything for her.

Later, claimant learned that her claim was locked due to a failure to verify her identity. She went back to the local office in Marshalltown and spoke with Dylan Kensler, who had assisted her husband with his documents on August 3. Kensler got a supervisor to assist, and the supervisor followed up with Ibarra. Ibarra remembered working with claimant and did not know why her identity verification documents did not successfully "go through." Claimant's documents were successfully transmitted to the agency on August 14, 2023, and her claim was unlocked effective August 13, 2023. On August 16, 2023, IWD issued the reference 01 decision finding claimant eligible for benefits effective August 13, 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.

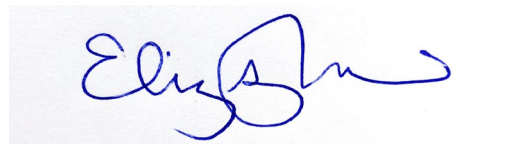
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

In this case, claimant brought her identity verification documents (including her driver's license and her social security card) to the Marshalltown local office before she ever received the letter stating the agency required proof of her identity. She provided credible testimony that a local office employee took her documents, ostensibly copying them or scanning them so the agency had proof that she was who she claimed to be. Later, when she learned the claim was locked due to failure to provide verification documents, she went back to the Marshalltown office to try and straighten out the situation. She worked with another local office employee and the supervisor and also looped in the first employee to confirm she had supplied her documentation. Claimant also provided her documents a second time. The evidence shows claimant acted proactively throughout the process and did everything in her power to try and ensure the agency had the information it needed to unlock her claim.

Therefore, benefits are allowed effective July 30, 2023, provided claimant is otherwise eligible.

**DECISION:**

The August 16, 2023 (reference 01) unemployment insurance decision is modified in favor of the claimant. Claimant has established she attempted to verify her identity through proper documentation as early as August 3, 2023. Benefits are allowed effective July 30, 2023, provided claimant is otherwise eligible.



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Elizabeth A. Johnson  
Administrative Law Judge

September 8, 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](http://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.