

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAUL G HACHEY
Claimant

APPEAL 20A-UI-03490-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available – Benefits Eligibility Conditions
Iowa Admin. Code r. 871-24.2(1)(e) – Able & Available – Report as Directed by Department
Iowa Admin. Code r. 871-24.3 – Able & Available – Identity Verification

STATEMENT OF THE CASE:

On April 27, 2020, the claimant filed an appeal from the April 22, 2020, (reference 01) unemployment insurance decision that allowed benefits effective April 12, 2020, 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 May 15, 2020. The claimant participated. The administrative law judge took official notice of the administrative record including the fact-finding documents.

ISSUE:

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: Claimant filed a claim for unemployment insurance benefits effective March 15, 2020. Claimant was unable to verify his identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of identity to the agency by mail or in person, in order to prevent benefits from being delayed and the claim from being canceled. The notification would have looked similar to the graphic below:

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.

Additionally, on March 25, 2020, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by March 31, 2020, "benefits may be delayed and ... claim may be canceled."

Claimant did not follow the instructions he was given. He tried to email the documents instead. He later realized that he needed to follow the written instructions he was given. Therefore, claimant did not provide proof of identity until on or about April 13, 2020. The claimant's unemployment insurance claim was unlocked at that time. The same day, the agency issued a decision finding claimant eligible for benefits effective April 12, 2020, as the requested identity verification documents were provided.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of 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. 871-24.23(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, Iowa Workforce Development notified claimant that identity verification needed to be provided by March 31, 2020, by mail or in person in order to prevent benefits from delayed or the claim being cancelled. Claimant did not provide the requested documentation until April 13, 2020. There is no evidence in the record indicating claimant's failure to provide the required documentation in a timely manner was due to agency error. The administrative law judge finds claimant was not available for work until April 12, 2020, the week the required identity verification documents were provided to the agency.

Therefore, benefits are withheld from March 15, 2020 through April 11, 2020. Benefits are allowed effective April 12, 2020, provided claimant is otherwise eligible.

DECISION:

The April 22, 2020 unemployment insurance decision is affirmed. Claimant was not available for work during the four-week period ending April 11, 2020, as he failed to provide verification of identity as required. Benefits are allowed effective April 12, 2020, provided claimant is otherwise eligible.



Duane L. Golden
Administrative Law Judge

May 20, 2020
Decision Dated and Mailed

dlg/scn