

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREG D MORROW
Claimant

APPEAL 19A-UI-06204-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/14/19
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(2) – Able & Available – Identity Verification

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 30, 2019, (reference 01) unemployment insurance decision that allowed benefits effective July 28, 2019, based upon a determination that the claimant initially failed to provide verification of identity but subsequently did so. The claimant was properly notified of the hearing. A telephone hearing was held on August 26, 2019. The claimant participated in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

The issues are whether the claimant was able to and available for work effective July 14, 2019, whether the claimant timely provided verification of identity, and whether the claimant failed to report as directed by a department representative.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant initially opened his claim for unemployment insurance benefits effective July 14, 2019. The claimant was unable to verify his identity through the online verification process. The claimant did not recall seeing a notice that he was required to provide qualifying proof of his identity to the agency on his claim confirmation page, but acknowledged he may have missed it. On July 18, 2019, the agency mailed the claimant a letter also stating that if he was unable to provide proof of identity by July 23, 2019, “benefits may be delayed and ... claim may be canceled.” The claimant only gets his mail approximately once every two weeks and consequently he did not see the letter immediately. The claimant attempted to file weekly for the next two weeks, but was not able to do so, as his identity had not been verified. The claimant did not provide proof of identity until sometime between July 24 and July 26, 2019. The identifying documents provided by the claimant were scanned and sent to Des Moines, Iowa, and the claimant’s unemployment insurance claim was unlocked at that

time. The same day, the agency issued a decision finding the claimant eligible for benefits effective July 28, 2019, as he provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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...

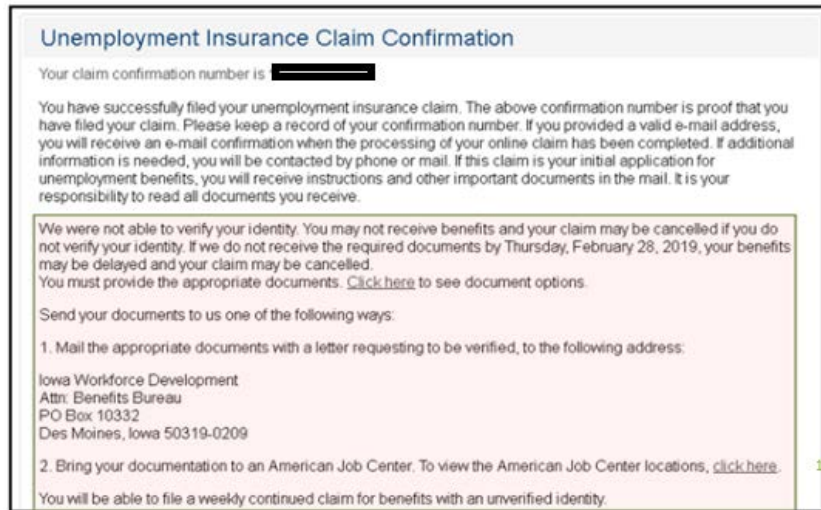
Iowa Admin. Code r. 871-24.3(2) provides:

The claim will not become valid until the identity has been verified by the department...

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.



The only difference between the graphic above and the message the claimant would have received is that the claimant would have had until Tuesday, July 23, 2019, to provide the required documents. The administrative law judge finds that even if the claimant missed the notice he did receive the follow-up letter in the mail, albeit late because he rarely gets his mail, and he was notified at the time he opened his claim that he needed to provide verification of his identity.

In this case, the claimant received notification that he needed to provide verification of identity by July 23, 2019, in order to prevent his benefits from being delayed and/or his claim being canceled. The claimant did not provide the requested documentation until sometime between July 24 and July 26, 2019. There is no evidence in the record indicating the claimant's failure to provide the required documentation in a timely manner was due to agency error. The administrative law judge finds the claimant was not available for work until he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from July 14, 2019 through July 27, 2019. Benefits are allowed effective July 28, 2019, provided the claimant is otherwise eligible.

DECISION:

The July 30, 2019, (reference 01) unemployment insurance decision is affirmed. The claimant was not available for work during the two-week period ending July 27, 2019, as he failed to provide verification of identity as required. Benefits are allowed effective July 28, 2019, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn