

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORI J ERICKSON
Claimant

APPEAL 19A-UI-04318-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/21/19
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:

On May 24, 2019, Lori J. Erickson (claimant) filed an appeal from the May 15, 2019, reference 02, unemployment insurance decision that allowed benefits effective May 12, 2019, based upon a determination that she initially failed to provide verification of her identity but subsequently did so. The claimant was properly notified of the hearing. A telephonic hearing was held on June 19, 2019. The claimant participated personally. The department's Exhibits D1 and D2 were admitted into the record.

ISSUES:

Is the claimant able to and available for work effective April 21, 2019?
Did the claimant timely provide verification of her 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: The claimant initially opened her claim for unemployment insurance benefits effective April 21, 2019. She was unable to verify her identity through the online verification process. Therefore, on her claim confirmation page, a notice appeared stating she was required to provide qualifying proof of her identity to the agency by April 26, 2019, in order to prevent her benefits from being delayed and her claim from being canceled. On April 23, 2019, the agency mailed the claimant a letter also stating that if she was unable to provide proof of her identity by April 26, 2019, "benefits may be delayed and ... claim may be canceled." (Exhibit D1) The claimant was confused by the letter as she received both the letter and her monetary record at the same time. She did not take steps to clarify whether she was allowed benefits or not.

The claimant did not provide proof of her identity until on or about May 14, 2019, when she took her driver's license and social security card to the local office in Decorah, Iowa. These

documents were scanned and sent to Des Moines, and claimant's unemployment insurance claim was unlocked at that time. The next day, the agency issued a decision finding claimant eligible for benefits effective May 12, 2019, as she provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of her 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...

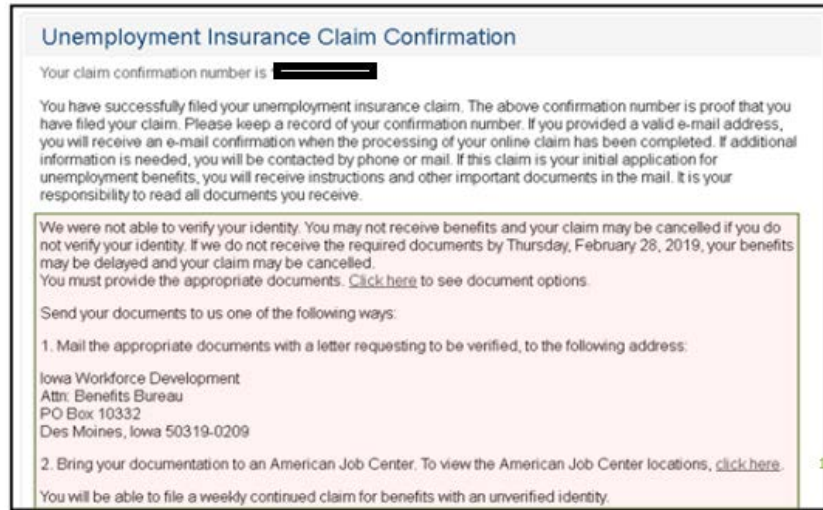
Iowa Admin. Code r. 871-24.23(11) provides:

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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds claimant was not credible when she denied knowing that she needed to provide proof of her identity at the time she filed her claim. When the 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, the claimant would have seen something nearly identical to the following information:



The only difference between the graphic above and the message claimant would have received is that claimant would have had until Friday, April 26, 2019, to provide her required documents.

In this case, the claimant received notification that she needed to provide verification of her identity by April 26, 2019, in order to prevent her benefits from being delayed and/or her claim being canceled. The claimant did not provide the requested documentation until May 14, 2019. The claimant has not established that her failure to provide the required documentation in a timely manner was due to agency error. When asked about when she spoke with IWD representatives, the claimant was unable to provide specific details. The administrative law judge finds the claimant was not available for work until May 12, 2019, when she provided the required identity verification documents to the agency.

Therefore, benefits are withheld from April 21 through May 11, 2019. Benefits are allowed effective May 12, 2019, provided the claimant is otherwise eligible.

DECISION:

The May 15, 2019, reference 02, unemployment insurance decision is affirmed. The claimant was not available for work during the three-week period ending May 11, 2019, as she failed to provide verification of identity as required. Benefits are allowed effective May 12, 2019, provided she is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs