

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA L SMITH
Claimant

APPEAL 19A-UI-05883-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/23/18
Claimant: Appellant (4)**

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 July 24, 2019, Jessica L. Smith (claimant) filed an appeal from the July 19, 2019, reference 01, unemployment insurance decision that allowed benefits effective July 14, 2019, based upon a determination that she initially failed to provide verification of her identity but subsequently did so. After due notice was issued, a telephone conference hearing was held on August 15, 2019. The claimant and Diana Duncan participated. The Claimant's Exhibits A and B were admitted into the record.

ISSUES:

Is the claimant able to and available for work effective June 16, 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 filed her original claim for unemployment insurance benefits effective December 23, 2018 and filed an additional claim effective June 16, 2019. The claimant 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 June 25 in order to prevent her benefits from being delayed and her claim from being canceled. The claimant did not read the entire confirmation page as she regularly files claims for unemployment insurance benefits and mistakenly believed it was unnecessary.

On June 20, the agency mailed claimant a letter also stating that if she was unable to provide proof of her identity by June 25 her benefits may be delayed and the claim may be canceled. The claimant did not receive that letter. On June 28, she left for an eight-day vacation.

The claimant contacted Iowa Workforce Development (IWD) on July 10 after she returned to inquire about her unemployment insurance benefits. She was told at that time she needed to verify her identity. The claimant provided a copy of her social security card and license to IWD as directed through the uicclaimshelp email address. The claimant did not receive a response from the agency.

On July 17, the claimant contacted IWD and learned they had been unable to open the attachment in her email. The claimant resubmitted the documents, but this time, directly to the representative to whom she had spoken. The IWD representative then allowed benefits effective July 14.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of her identity through the week ending July 6, 2019. However, the claimant provided verification on July 10 and benefits are allowed effective July 7, 2019.

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:

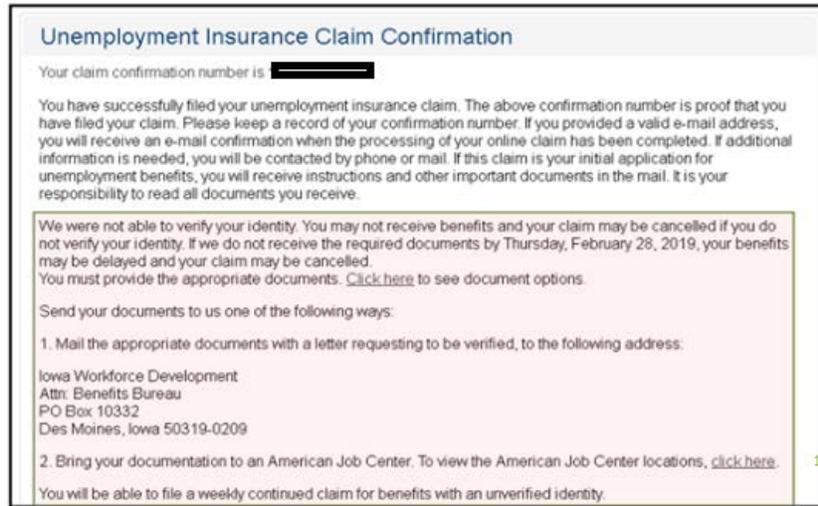
The claim will not become valid until the identity has been verified by the department...

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 claimant denied having notice she needed to provide proof of identity. However, the reason she did not receive notice was because she failed to read all of the information available when she opened her claim for benefits. 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, she would have seen something nearly identical to the following information:



The only difference between the graphic above and the message the claimant would have received is that the claimant would have had until Tuesday, June 25, 2019, to provide her required documents. The administrative law judge finds that even though the claimant did not receive the follow-up letter in the mail, she was notified at the time she opened her claim that she needed to provide verification of her identity.

In this case, the claimant had notice that she needed to provide verification of her identity by June 25 in order to prevent her benefits from being delayed and/or her claim being canceled. The claimant provided the documentation on July 10. There is no evidence in the record indicating the claimant's failure to provide the required documentation before that date was due to agency error. The claimant has established any delay in receiving the required documentation after July 10 was due to agency error. The administrative law judge finds the claimant was not available for work until the week of July 7, 2019, when she provided the required identity verification documents to the agency.

Therefore, benefits are withheld from June 16 through July 6, 2019. Benefits are allowed effective July 7, 2019, provided the claimant is otherwise eligible.

DECISION:

The July 19, 2019, reference 01, unemployment insurance decision is modified in favor of the appellant. The claimant was not available for work during the three-week period ending July 6, 2019, as she failed to provide verification of identity as required. Benefits are allowed effective July 7, 2019, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn