

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MAUREEN I RUANE**  
Claimant

**APPEAL 22A-UI-00409-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/24/21  
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 December 2, 2021, Maureen I. Ruane (claimant) filed an appeal from the November 24, 2021, reference 02, unemployment insurance decision that allowed benefits effective November 14, 2021, based upon a determination she initially failed to provide verification of her identity but subsequently did so. The claimant was notified of the hearing. A telephone hearing was held on January 25, 2022. The claimant participated.

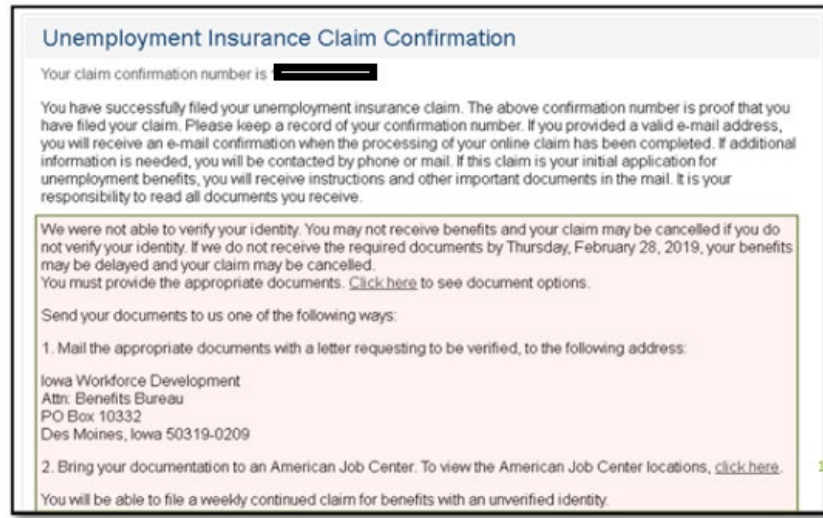
**ISSUES:**

Is the claimant able to and available for work?  
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: On October 29, 2021, the claimant was laid off by her full-time employer. She immediately found a job that was scheduled to begin November 8 in Florida. The claimant filed a claim for unemployment insurance benefits effective October 24 and identified her Iowa address as her address of record. The claimant was unable to verify her identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating she was required to provide qualifying proof of identity to the agency in order to prevent benefits from being delayed and the claim from being canceled.

The notification would have looked similar to the graphic below:

A screenshot of a web page titled "Unemployment Insurance Claim Confirmation". The page has a light blue header with the title. Below the header, it says "Your claim confirmation number is" followed by a blacked-out box. The main body of the page is white with black text. It states: "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." Below this, there is a pink-shaded box containing the following text: "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." Below the pink box, it says "Send your documents to us one of the following ways:" followed by two numbered options. Option 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". Option 2: "Bring your documentation to an American Job Center. To view the American Job Center locations, [click here](#)." At the bottom of the pink box, it says "You will be able to file a weekly continued claim for benefits with an unverified identity." There is a small green "12" in the bottom right corner of the pink box.

The only difference between the graphic above and the message the claimant would have received is that the claimant would have had a different deadline to provide the required documents.

Additionally, on November 2, the agency mailed the claimant a letter to her address of record stating that if she was unable to provide proof of identity by November 8, "benefits may be delayed and ... claim may be canceled." The claimant did not receive the letter because she began her move to Florida on Tuesday, November 2, and finished her cross-country move on Friday, November 5. She began work the following week.

The claimant did not provide proof of identity until on or about November 14. 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 November 14, 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 and was not able to and available for work. Benefits are denied from October 24 through November 13, 2021. Benefits are allowed effective November 14, 2021, provided the claimant is otherwise eligible.

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:

Social security number needed for filing. 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 provides, in relevant part:

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.

...

(20) Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

...

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

...

(25) If the claimant is out of town for personal reasons for the major portion of the workweek and is not in the labor market.

In this case, Iowa Workforce Development notified the claimant that she needed to verify her identity by November 8, in order to prevent benefits from delayed or the claim being cancelled. The claimant did not provide the requested documentation until November 14. 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 claimant received notice on her confirmation page and the letter was mailed to the address of record. The administrative law judge finds the claimant was not available for work until November 14, the week the required identity verification documents were provided to the agency. Therefore, benefits are withheld from October 24 through November 13, 2021. Benefits are allowed effective November 14, 2021, provided the claimant is otherwise eligible.

In the alternative, even if the claimant had verified her identity in a timely fashion, she would not be eligible for unemployment insurance benefits. She earned wages in excess of her weekly benefit amount plus fifteen dollars during the first week she filed. During the week beginning October 31, she was driving cross-country the majority of the workweek, and was not available to work. She began new employment the following Monday, November 8, and was no longer considered able to and available for work for purposes of unemployment insurance benefits.

**DECISION:**

The November 24, 2021, reference 02, unemployment insurance decision is affirmed. The claimant was not available for work during the three-week period ending November 13 2021, as she failed to provide verification of identity as required. Benefits are allowed effective November 14, 2021, provided the claimant is otherwise eligible.



---

Stephanie R. Callahan  
Administrative Law Judge

February 18, 2022  
Decision Dated and Mailed