

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOLIE L KALALA
Claimant

APPEAL NO. 23A-UI-07823-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/02/23
Claimant: Appellant (4)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Verification of Identity
Iowa Administrative Code Rules 871-24.2(1)(e) & 871-24.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

On August 11, 2023, Jolie Kalala (claimant) filed a timely appeal from the August 8, 2023 (reference 01) decision that allowed benefits for the period beginning July 30, 2023, provided the claimant was otherwise eligible, but that effectively denied benefits for the period of July 2, 2023 through July 29, 2023. The deputy concluded the claimant had been disqualified for benefits for failure to provide documents to prove her identity but had subsequently provided documents to verify her identity. After due notice was issued, a hearing was held on August 28, 2023. Claimant participated and presented additional testimony through Patrick Tshimanga. Iowa Workforce Development submitted proposed exhibits in lieu of otherwise participating in the hearing. IWD Exhibits 1 through 6 and claimant Exhibit A were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO and KCCO. French-English interpreters Youstina (ID #16119) and Paula (ID #16121) of CTS Language Link assisted with the hearing.

ISSUE:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of July 2, 2023 through July 29, 2023.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Jolie Kalala (claimant) is a permanent resident alien, is a native French speaker, and reads and speaks English as a second language. Ms. Kalala resides in Coralville with her husband, Patrick Tshimanga. During the week of July 2, 2023, Ms. Kalala and her husband went to their local IowaWORKS Center for assistance in applying for unemployment insurance benefits. At that time, Ms. Kalala submitted an online application for benefits with assistance from an IWD representative. Ms. Kalala does not recall anything in the online application that prompted her to submit ID verification documents. However, during this same contact with IWD, the claimant presented her Permanent Resident Card (green card) and her Social Security card to an IWD representative to verify her identity. The IWD representative temporarily took possession of the

two forms of ID. Ms. Kalala and her husband assumed the representative was scanning or otherwise making a copy of the IDs. The IWD representative then returned the IDs to Ms. Kalala.

On July 5, 2023, Iowa Workforce Development mailed an ID verification letter to Ms. Kalala's last-known address of record. The letter stated the agency had been unable to verify the claimant's identity and directed the claimant to submit proof of identity by July 11, 2023 or risk delay or denial of unemployment insurance benefits. The letter set forth the accepted forms of identification, which included a Social Security card and Permanent Resident Card. The letter set forth the method by which the claimant could submit the required documentation, which methods included hand-delivery to an IowaWORKS Center.

During the week of July 9, 2023, Ms. Kalala and her husband returned to their local IowaWORKS office for assistance in filing a weekly claim for the week that ended July 8, 2023. During this contact, Ms. Kalala again produced her Permanent Resident Card. The IWD representative temporarily possessed the card. Ms. Kalala assumed the representative was scanning or otherwise making a copy of the card. The representative then gave the card back to Ms. Kalala.

After Ms. Kalala made her weekly claim for the week that ended July 8, 2023, she discontinued her claim for benefits.

On August 3, 2023, Ms. Kalala's spouse returned to the local IowaWORKS Center. During that contact, an IWD representative told Mr. Tshimanga that IWD did not have ID verification records for Mr. Tshimanga or Ms. Kalala. When Mr. Tshimanga got home, he uploaded ID verification documents for himself and for Ms. Kalala via the online portal. IWD acknowledges August 3, 2023 receipt of Ms. Kalala's ID verification documents via the online portal.

REASONING AND CONCLUSIONS OF LAW:

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. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Administrative Code rule 871-24.3(2) provides as follows:

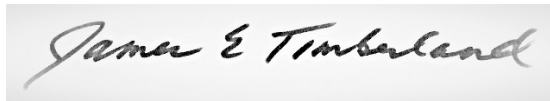
(2) The claim will not become valid until the identity has been verified by the department. If the claimant has not provided the information to verify identity within seven calendar days of filing of a claim, the claim will be voided. The claimant must submit another claim for benefits. The effective date of the claim would be the Sunday of the week the identity was verified.

In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. Iowa Administrative Code rule 871-24.2(1)(e). 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. Iowa Administrative Code rule 871-24.23(11).

The weight of the evidence established that the claimant satisfied the ID verification requirement on the same day she established her original claim during the week of July 2, 2023 when she hand-delivered her Social Security card and Permanent Resident Card to an IWD representative at an IowaWORKS Center. No disqualification will enter based on the ID verification issue. The claimant is eligible for benefits for the period beginning July 2, 2023, provided she is otherwise eligible.

DECISION:

The August 8, 2023 (reference 01) decision is MODIFIED in favor of the claimant/appellant as follows. The claimant satisfied the ID verification requirement on the same day she established her original claim during the week of July 2, 2023 when she hand-delivered her Social Security card and Permanent Resident Card to an IWD representative at an IowaWORKS Center. No disqualification will be entered based on the ID verification issue. The claimant is eligible for benefits for the period beginning July 2, 2023, provided she is otherwise eligible.



James E. Timberland
Administrative Law Judge

August 31, 2023
Decision Dated and Mailed

jet/scn

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.