

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANE M ERICKSON
Claimant

APPEAL 19A-UI-06091-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/26/19
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:

The claimant filed a timely appeal from the July 23, 2019 (reference 01) unemployment insurance decision that allowed benefits effective July 14, 2019, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. Claimant was properly notified of the hearing. A telephonic hearing was held on August 22, 2019. The claimant, Jane M. Erickson, participated personally. Claimant's Exhibits A and B were admitted. The administrative law judge took official notice of the administrative record.

ISSUES:

Is the claimant able to and available for work?
Did the claimant provide timely 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: Claimant initially opened her claim for unemployment insurance benefits effective May 26, 2019. Claimant received a notice stating she was required to provide qualifying proof of her identity to the agency by June 3, 2019 in order to prevent her benefits from being delayed and her claim from being canceled. See Exhibit A.

On June 3, 2019, claimant provided her social security card and her driver's license to an Iowa Workforce Representative at the Ames, Iowa extension location. The representative made copies of her documents that provided proof of her identity.

Claimant did not receive payment on her weekly claims and contacted Iowa Workforce Development by telephone on July 11, 2019. She was told that the documents were never received by the Iowa Workforce Development office located in Des Moines, Iowa. Claimant was instructed to re-submit the documentation online. Claimant resubmitted the required

documentation online on July 19, 2019 and her claim was unlocked effective July 14, 2019. Claimant has been able to and available for work for each week that she filed weekly claims for benefits. Claimant has reported all earnings, vacation pay, holiday pay and pension pay when filing her weekly continued claims for benefits. Claimant has not refused any offers of work for the weeks she has filed her weekly continued claims for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant provided timely verification of her identity to Iowa Workforce Development. Benefits are allowed, provided she 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(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.* The administrative law judge finds that the claimant's testimony was credible when she testified that she provided proof of her identity to the Ames, Iowa office location. Therefore, benefits are allowed effective May 26, 2019, provided claimant is otherwise eligible.

DECISION:

The July 23, 2019 (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant provided timely and sufficient proof of her identity to Iowa Workforce Development as directed. Benefits are allowed effective May 26, 2019, provided she is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs