

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**YI-MIAO HUANG**  
Claimant

**APPEAL NO. 20A-UI-07221-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (4/R)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code Rule 871 24.3 – Identity Verification

**STATEMENT OF THE CASE:**

Yi-Miao Huang filed a timely appeal from the June 19, 2020, reference 01, decision that denied benefits effective March 22, 2020, based on the deputy's determination that Ms. Huang had not provided proof that she is a citizen or that she is legally authorized to work in the United States. After due notice was issued, a hearing was held on August 5, 2020. Claimant Ms. Huang participated. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, KPYX, WAGE, the Agency's online information regarding verifying claimant identity, and the letter IWD mailed to Ms. Huang on May 13, 2020 regarding the need to verify her identity.

**ISSUES:**

Whether the claimant failed to verify her identity and provide proof that she is eligible to work in the United States in a timely manner, and therefore is ineligible for benefits for the period beginning March 22, 2020.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Yi-Miao Huang is an international student from Taiwan, who studies at the University of Missouri—Kansas City pursuant to an F-1 visa and a Department of Homeland Security I-20 Certificate of Eligibility for Nonimmigrant Student Status. The I-20 indicates on its face that Ms. Huang was authorized to work on campus and for the Des Moines Symphony between the dates of February 5, 2020 and May 10, 2020. Ms. Huang also holds a Social Security card and number that indicates on its face that it is "valid for work only with DHS authorization. Ms. Huang holds a Missouri valid driver's license as a government issued photo ID. Ms. Huang's visa also serves as a government-issued photo ID.

Ms. Huang established an Iowa original claim for benefits that was effective March 22, 2020. During the application process, Ms. Huang did not note or complete the online identity verification process. Ms. Huang made weekly claims for eight weeks between March 22, 2020 and May 16, 2020. Ms. Huang received regular benefits for six of those weeks and also

received Federal Pandemic Unemployment Compensation for those same six weeks. Ms. Huang discontinued her claim following the benefit week that ended May 16, 2020.

On May 13, 2020, Iowa Workforce Development mailed a letter to Ms. Huang in which the Agency acknowledged that Ms. Huang had indication in benefit application that she was not a United States citizen. The letter went on to state as follows:

In order to verify that you are a legal resident and authorized to work in the United States, we will need copies of your employment authorization documentation. You should send a photocopy of the documentation (both front and back) to me, to arrive at my office by 05/23/20.

The further stated: "Failure to report or contact Iowa Workforce Development by the scheduled date could result in a disqualification for benefits already paid and/or denial of future benefits."

Ms. Huang traveled from her home in Kansas City in mid-April 2020 and did not return to Kansas City until the end of June 2020. While Ms. Huang was away, she had arranged to have her roommate check for mail. In light of the COVID-19 pandemic, the roommate did not check the mail on a regular basis. Ms. Huang opened and reviewed the May 13, 2020 correspondence upon her return to Kansas City at the end of June 2020. In the meantime, IWD had mailed the June 19, 2020, reference 01, decision that denied benefits effective March 22, 2020, based on the deputy's determination that Ms. Huang had not provided proof that she is a citizen or that she is legally authorized to work in the United States. Ms. Huang filed her appeal on June 29, 2020.

## **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".

871-24.22(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

I. Available for work. To be considered available for work, an individual must at all times be in a position to accept suitable employment during periods when the work is normally performed. As an individual's length of unemployment increases and the individual has been unable to find work in the individual's customary occupation, the individual may be required to seek work in some other occupation in which job openings exist, or if that does not seem likely to result in employment, the individual may be required to accept counseling for possible retraining or a change in occupation.

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)

Iowa Administrative Code Rule 871 24.3 provides as follows:

Social security number needed for filing. A claim will not become valid until the identity of the claimant has been verified by the department.

24.3(1) Upon the filing of a claim, notification shall be provided to the claimant if the claimant's identity was not verified.

24.3(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.

24.3(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.

24.3(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.

24.3(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.

24.3(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. This rule is intended to implement Iowa Code section 96.6.

Based on the plain language of Iowa Administrative Code Rule 871 24.3, the administrative law judge has no choice but to conclude that Ms. Huang did not satisfy the identity verification requirement prior to August 5, 2020, when she submitted the required documentation in response to the administrative law judge's request for the same. Based on the plain language of the same law, the administrative law judge must conclude, based on the lack of proof of identity by the May 23, 2020 deadline, that Ms. Huang did not meet the availability requirement and was not eligible for the benefits she received for six weeks between March 22, 2020 and May 16, 2020.

#### **DECISION:**

The June 19, 2020, reference 01, is modified in favor of the claimant/appellant only to the extent of acknowledging submission of proof of identity on August 5, 2020. Claimant did not provide proof of identity in a timely manner and therefore did not meet the availability requirement for

the period of March 22, 2020 through May 16, 2020. The claimant is not eligible for benefits for that period. This matter is remanded to the Benefits Bureau for entry of overpayment decisions regarding the regular and Federal Pandemic Unemployment Compensation the claimant received for six weeks between March 22, 2020 and May 16, 2020.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in black ink on a light gray rectangular background.

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James E. Timberland  
Administrative Law Judge

August 10, 2020  
Decision Dated and Mailed

jet/scn