

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONATHAN W PAUSS
Claimant

APPEAL 22A-UI-09038-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/27/22
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.6 – Filing – Claims
Iowa Admin. Code r. 871-24.3 – Failure to Prove Identity
Iowa Admin. Code r. 871-24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 31, 2022 (reference 02) unemployment insurance decision that found claimant was eligible for benefits effective March 27, 2022 after he provided his identity verification documentation. The claimant was properly notified of the hearing. A telephone hearing was held on May 23, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Was the claimant able to and available for work?
Did the claimant fail to report and provide identity verification documents as directed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant had filed an original claim for unemployment insurance benefits effective February 27, 2022 following a separation from employment. A letter was mailed to him on March 2, 2022, requesting him to file documentation with the agency prior to March 8, 2022 in order to verify his identity. Claimant was away from home from March 14, 2022 through March 17, 2022 and received the letter requesting that he verify his identity on March 17, 2022, when he returned home. Claimant did not file his identity verification documentation until March 29, 2022. His claim was unlocked beginning March 27, 2022, after receipt of his documentation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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 Code section 96.6 provides in relevant part:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.3 provides:

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.

(emphasis added).

Iowa Admin. Code r. 871-24.2(1)e provides:

e. 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**. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department.

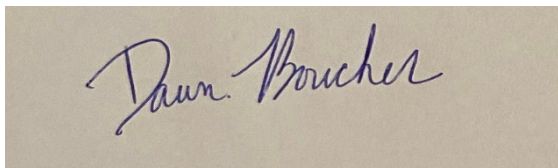
(2) The department retains the ultimate authority to choose the method of reporting and payment.

(emphasis added).

The burden is on the claimant to establish that he is able to work and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22. In this case, the claimant received the notification letter instructing him to report his identity verification documents to the department, but he failed to do so until March 29, 2022. As such, benefits were properly withheld from February 27, 2022 through March 26, 2022 as he produced documentation after that date.

DECISION:

The March 31, 2022 (reference 02) unemployment insurance decision is affirmed. The claimant failed to provide sufficient identity verification documentation until March 29, 2022. Benefits are denied effective February 27, 2022 through March 26, 2022 due to his failure to provide sufficient identity verification documentation as directed.

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Dawn Boucher
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

db/db