

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANE R VEACH
Claimant

APPEAL 19A-UI-06358-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/30/19
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(2) – Able & Available – Identity Verification

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 7, 2019, (reference 01) unemployment insurance decision that allowed benefits effective August 4, 2019, based upon a determination that the claimant initially failed to provide verification of identity but subsequently did so. The claimant was properly notified of the hearing. A telephonic hearing was held on September 4, 2019. The claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUES:

The issues are whether the claimant was able to and available for work effective August 4, 2019, whether the claimant timely provided verification of identity, and whether the claimant failed to report as directed by a department representative.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant initially opened his claim for unemployment insurance benefits effective June 30, 2019. The claimant was unable to verify his identity through the online verification process. The claimant did not recall seeing a notice that he was required to provide qualifying proof of his identity to the agency on his claim confirmation page, but acknowledged he may have missed it. The agency subsequently mailed the claimant a letter also stating that if he was unable to provide proof of his identity by July 9, 2019, he may not be able to receive benefits. The claimant did not recall receiving this letter. The claimant attempted to file weekly, but was not able to do so, as his identity had not been verified. On or about August 2, 2019, the claimant called his local office and inquired about his lack of benefits. On August 5, 2019, the claimant provided the required documentation to verify his identity. On August 7, 2019, the agency issued a decision finding claimant eligible for benefits effective August 4, 2019, as he provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of his identity.

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...

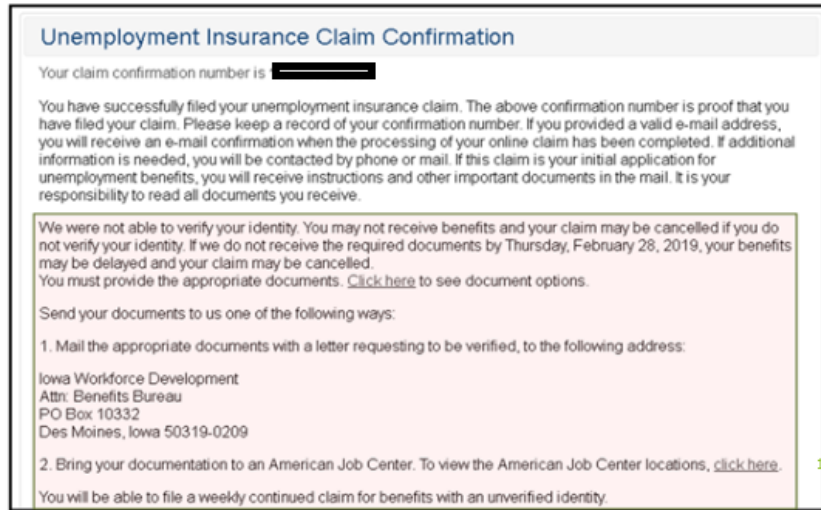
Iowa Admin. Code r. 871-24.23(11) provides:

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.*

After assessing the credibility of the witness who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds the claimant was not credible when he denied knowing that he needed to provide proof of his identity. When claimant failed to verify his identity while opening his claim, a message would have appeared with his claim confirmation number notifying him that his identity could not be verified and he needed to take additional action. Specifically, the claimant would have seen something nearly identical to the following information:



The only difference between the graphic above and the message claimant would have received is that claimant would have had until Tuesday, July 9, 2019, to provide the required documents. The administrative law judge finds that even if claimant did not receive the follow-up letter in the mail, he was notified at the time he opened his claim that he needed to provide verification of his identity.

In this case, claimant received notification that he needed to provide verification of identity by July 9, 2019, in order to prevent his benefits from being delayed and/or his claim being canceled. The claimant did not provide the requested documentation until August 5, 2019. There is no evidence in the record indicating claimant's failure to provide the required documentation in a timely manner was due to agency error. The administrative law judge finds the claimant was not available for work until August 5, 2019, when he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from June 30, 2019 through August 3, 2019. Benefits are allowed effective August 4, 2019, provided the claimant is otherwise eligible.

DECISION:

The August 7, 2019, (reference 01) unemployment insurance decision is affirmed. The claimant was not available for work during the period he failed to provide verification of identity as required. Benefits are allowed effective August 4, 2019, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs