

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW HILDE
Claimant

APPEAL 22A-UI-04217-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/12/21
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search
Iowa Code § 96.6(2) – Timely Appeal
Iowa Admin. Code r. 871-24.2(1)E – Failure to Report as Directed
Iowa Admin. Code r. 871-24.23(11) – Failure to Report as Directed
Iowa Admin. Code r. 871-24.3(2) – Identity Verification

STATEMENT OF THE CASE:

The claimant/appellant, Matthew Hilde, filed an appeal from the January 25, 2022 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits effective January 9, 2022, based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so. After proper notice, a telephone hearing was held on March 18, 2022. The claimant participated personally.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning, and conclusions of law, and decision.

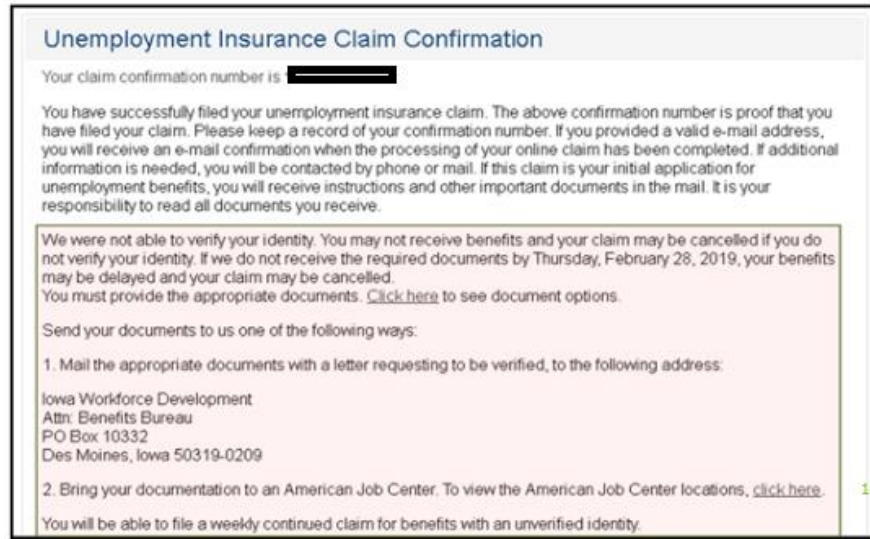
ISSUES:

Is the claimant’s appeal timely?
Is the claimant able to and available for work?
Did the claimant timely provide verification of his 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:

The claimant filed a claim for unemployment insurance benefits effective September 12, 2021. The administrative records indicate that the claimant submitted identity documents for this claim, in response to the following notification graphic below:

A screenshot of an email titled "Unemployment Insurance Claim Confirmation". The email text states: "Your claim confirmation number is [REDACTED]". It then says: "You have successfully filed your unemployment insurance claim. The above confirmation number is proof that you have filed your claim. Please keep a record of your confirmation number. If you provided a valid e-mail address, you will receive an e-mail confirmation when the processing of your online claim has been completed. If additional information is needed, you will be contacted by phone or mail. If this claim is your initial application for unemployment benefits, you will receive instructions and other important documents in the mail. It is your responsibility to read all documents you receive." Below this, a pink box contains the following text: "We were not able to verify your identity. You may not receive benefits and your claim may be cancelled if you do not verify your identity. If we do not receive the required documents by Thursday, February 28, 2019, your benefits may be delayed and your claim may be cancelled. You must provide the appropriate documents. [Click here](#) to see document options." Below the pink box, it says: "Send your documents to us one of the following ways:" followed by two numbered options. Option 1: "Mail the appropriate documents with a letter requesting to be verified, to the following address: Iowa Workforce Development, Attn: Benefits Bureau, PO Box 10332, Des Moines, Iowa 50319-0209." Option 2: "Bring your documentation to an American Job Center. To view the American Job Center locations, [click here](#)." At the bottom, it says: "You will be able to file a weekly continued claim for benefits with an unverified identity." There is a small "12" in the bottom right corner of the pink box.

The claimant filed a claim for the one-week period ending January 1, 2022. The claimant would have received a prompt like the one displayed above after reopening his claim.

On September 14, 2021, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by September 20, 2021, "[His] benefits may be delayed or denied." The claimant testified that he did not receive that letter. Claimant did not provide proof of identity until on or about January 14, 2022. Claimant contacted IWD on or about January 13, 2022, and was informed that he needed to verify identity. The claimant immediately procured the necessary identifying documents and verified his identity. Claimant testified that he never received the letter mailed to him on or about September 14, 2021, informing him that he needed to verify his identity with IWD in order to receive benefits.

The claimant's appeal deadline was Saturday, February 5, 2022. The claimant filed his notice of appeal on February 7, 2022.

REASONING AND CONCLUSIONS OF LAW:

The first issue to be considered in this appeal is whether the appellant's appeal is timely. The administrative law judge determines it is.

Iowa Code section 96.6(2) provides, in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was issued, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision

The claimant's appeal deadline was Saturday, February 5, 2022. The claimant filed his appeal online on Monday, February 7, 2021. Since the appeal deadline fell on a Saturday, the claimant's appeal was extended to Monday, February 7, 2022. The claimant's appeal is timely.

For the reasons that follow, the administrative law judge concludes the delay in claimant verifying his identity was attributable to delay caused by Iowa Workforce Development or the US Postal Service. He further concludes the claimant is eligible benefits effective September 12, 2021.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. Iowa Admin. Code r. 24.23(11).

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.

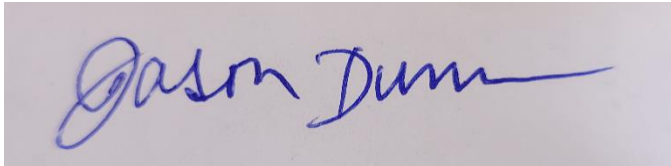
- (1) Upon the filing of a claim, notification shall be provided to the claimant if the claimant's identity was not verified.
- (2) If the agency is unable to verify the claimant's identity in the claim application, the claimant must provide approved documents. Approved documents must include at least 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.

In this case, Iowa Workforce Development notified claimant that identity verification needed to be provided by September 20, 2021, in order to prevent benefits from delayed or the claim being cancelled. The claimant did not receive this notice.

The administrative law judge finds the claimant able and available for work during the weeks filed. The administrative law judge further finds any delay in identity verification was due to error or delay attributable to Iowa Workforce Development or the US Postal Services. The claimant submitted documents providing his identity when he learned it was an issue. Benefits are granted effective September 21, 2021.

DECISION:

The January 25, 2022 (reference 01) initial decision is modified in favor of the appellant. Claimant was available for work effective September 12, 2021. The claimant is excused from verifying his identity by September 20, 2021 as directed by the notice sent on September 14, 2021 because he never received this notice due to the Iowa Workforce Development or US Postal Service error. Benefits are allowed effective September 12 2021, provided claimant is otherwise eligible.



Jason Dunn
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Fax (515) 478-3528

March 31, 2022
Decision Dated and Mailed

jd/jh