

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VALERIE L BONNETT
Claimant

APPEAL NO. 24A-UI-02152-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/21/24
Claimant: Appellant (4)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Verification of Identity
Iowa Administrative Code Rules 87124.2(1)(e) & 87124.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

On February 22, 2024, Valerie Bonnett (claimant) filed a timely appeal from the February 20, 2024 (reference 01) decision that allowed benefits effective February 11, 2024, based on the deputy's conclusion the claimant had been disqualified for benefits for failure to prove identity but since then had provided documents to verify her identity. One effect of the reference 01 decision was to deny benefits for the period of January 21, 2024 through February 10, 2024. After due notice was issued, a hearing was held on March 19, 2024. Claimant participated. Iowa Workforce Development submitted proposed exhibits in lieu of otherwise participating in the hearing. Exhibits A and B and Department Exhibits 1 through 8 were received into evidence. The administrative law judge took official notice of the following agency administrative records: DBRO, KCCO, KLOG, the February 20, 2024 (reference 01) decision, and the reference 01 supplemental documents.

ISSUES:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of January 21, 2024 through February 10, 2024.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Valerie Bonnett (claimant) established an original claim for benefits that was effective January 21, 2024.

On January 25, 2024, Iowa Workforce Development mailed an ID verification letter to Ms. Bonnett. The letter directed Ms. Bonnett to provide ID verification documents by January 31, 2024 or face delay or disqualification for benefits. The letter directed the claimant to provide a copy of a government-issued identification document that included her Social Security number and a second ID that from a list that included driver's license. The letter

provided instructions for submitting the ID verification documents online, via by mail, or in-person.

On Friday, January 26, 2024, Ms. Bonnett went to the Ottumwa IowaWORKS Center and presented her Iowa driver's license and her Social Security card for ID verification. IWD personnel took the IDs and explained they would be used for ID.ME.

On Saturday, January 27, 2024, the claimant received an email message from ID.ME that confirmed she had verified her identity.

IWD later documented that the ID verification documents were received on February 16, 2024.

On February 20, 2024, Iowa Workforce Development entered the reference 01 decision that allowed benefits effective February 11, 2024, based on the deputy's conclusion the claimant had been disqualified for benefits for failure to prove identity but since then had provided documents to verify her identity. One effect of the reference 01 decision was to deny benefits for the period of January 21, 2024 through February 10, 2024.

After Ms. Bonnett established her claim for benefits, she made weekly claims, including claims for the weeks that ended January 27, February 1 and February 10, 2024.

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".

Iowa Administrative Code rule 871-24.3(2) provides as follows:

(2) The claim will not become valid until the identity has been verified by the department. If the claimant has not provided the information to verify identity within seven calendar days of filing of a claim, the claim will be voided. The claimant must submit another claim for benefits. The effective date of the claim would be the Sunday of the week the identity was verified.

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. Iowa Administrative Code rule 87124.2(1)(e). 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 87124.23(11).

The weight of the evidence establishes that the claimant satisfied the ID verification requirement in a timely manner on January 26, 2024, when she presented her Iowa driver's license and her Social Security card to IWD personnel for the purpose of satisfying the ID verification requirement. IWD's failure to document receipt of the documents on January 26, 2024 is not attributable to the claimant. No disqualification will enter in connection with the ID verification issue. The claimant is eligible for benefits for the period beginning January 21, 2024, provided she is otherwise eligible.

DECISION:

The February 20, 2024 (reference 01) decision is MODIFIED IN FAVOR OF THE CLAIMANT/APPELLANT. The claimant satisfied the ID verification requirement in a timely manner on January 26, 2024. No disqualification will enter in connection with the ID verification issue. The claimant is eligible for benefits for the period beginning January 21, 2024, provided she is otherwise eligible.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

James E. Timberland
Administrative Law Judge

March 22, 2024
Decision Dated and Mailed

JET/jkb

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.