

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATATA SHABANI
Claimant

APPEAL 19A-UI-05988-LJ-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:

On July 29, 2019, the claimant filed an appeal from the July 24, 2019, (reference 01) unemployment insurance decision that allowed benefits effective July 21, 2019. The claimant was properly notified of the hearing. A telephonic hearing was held on August 20, 2019. The claimant, Matata Shabani, participated. Swahili-English interpreter Noel (ID number 12112) of CTS Language Link provided interpretation services for the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

Is the claimant able to and available for work effective June 30, 2019?
Did the claimant timely provide verification of her 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: Claimant initially opened her claim for unemployment insurance benefits effective June 30, 2019. Claimant was unable to verify his identity through the online verification process. Therefore, on his claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of his identity to the agency by July 8, 2019, in order to prevent his benefits from being delayed and his claim from being canceled. Claimant has this information on the page that displayed his confirmation number. On July 2, 2019, the agency mailed claimant a letter also stating that if he was unable to provide proof of his identity by July 8 2019, “benefits may be delayed and ... claim may be canceled.”

Claimant did not provide proof of his identity until on or about July 22, 2019, when he took his driver’s license and social security card to the Cedar Rapids Iowa Workforce Development office. These documents were scanned and sent to Des Moines, and claimant’s unemployment insurance claim was unlocked at that time. The same day, the agency issued a decision finding

claimant eligible for benefits effective July 21, 2019, as he provided the requested identity verification documents.

Claimant was laid off for one week only, the first week of July. He has since returned to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is eligible to receive unemployment insurance benefits effective July 21, 2019, provided he is otherwise eligible.

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...

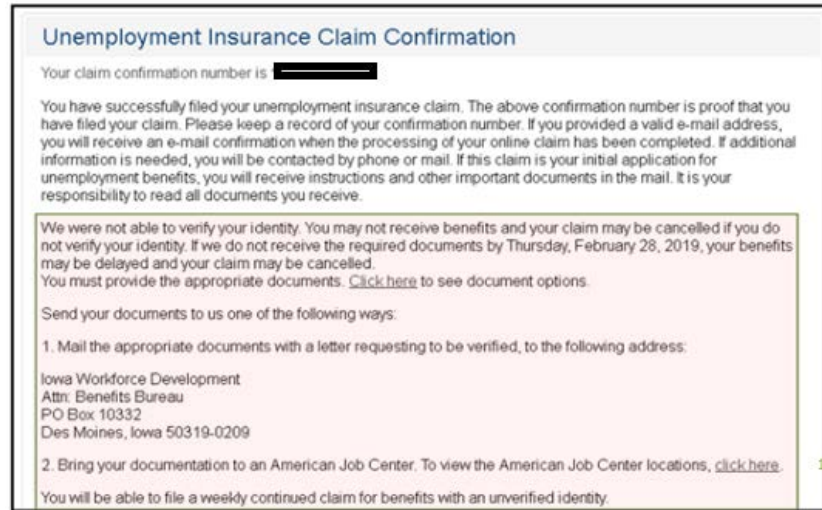
Iowa Admin. Code r. 871-24.23(11) provides:

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 witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds 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, 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 Monday, July 8, 2019, to provide his required documents. Claimant acknowledges this message appeared on the claim confirmation screen. 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 his identity by July 8, 2019, in order to prevent his benefits from being delayed and/or his claim being canceled. Claimant did not provide the requested documentation until July 22, 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 claimant was not available for work until July 22, 2019, when he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from June 30, 2019, through July 20, 2019. Benefits are allowed effective July 21, 2019, provided claimant is otherwise eligible.

DECISION:

The July 24, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant is ineligible for benefits between June 30, 2019, and July 20, 2019. Claimant is eligible for unemployment insurance benefits effective July 21, 2019, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn