

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA SMITH
Claimant

APPEAL 21A-UI-16477-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/02/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.2(1)(e) – Report as Directed by the Department
Iowa Admin. Code r. 871-24.23(11) – Failure to Report as Directed by the Department
Iowa Admin. Code r. 871-24.3(2) – Identity Verification

STATEMENT OF THE CASE:

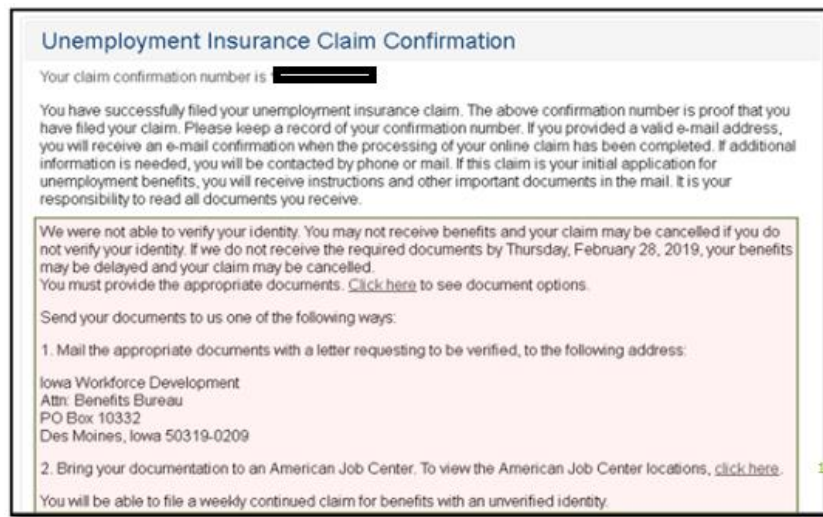
Jessica Smith, the claimant filed an appeal from the July 21, 2021, (reference 03) unemployment insurance decision that allowed benefits effective July 18, 2021, based on a determination that she initially failed to provide verification of her identity but later did so. Ms. Smith was notified of the hearing. A telephone hearing was held on September 17, 2021. Ms. Smith participated and testified. The administrative law judge took official notice of the administrative record.

ISSUE:

Is Ms. Smith able to and available for work?
Did Ms. Smith timely provide verification of her identity?
Did Ms. Smith 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: Ms. Smith filed an additional claim for unemployment insurance benefits effective April 18, 2021. Ms. Smith was unable to verify her identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating Ms. Smith was required to provide qualifying proof of identity to the agency by May 13, 2021, in order to prevent benefits from being delayed and the claim from being canceled. The notification would have looked similar to the graphic below:

A screenshot of a web page titled "Unemployment Insurance Claim Confirmation". The page has a light blue header with the title. Below the header, it says "Your claim confirmation number is" followed by a blacked-out box. The main body of the page is white with black text. It states: "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 is a pink-shaded box containing 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 of the pink box, 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 only difference between the graphic above and the message Ms. Smith would have received is that she would have had until May 13, 2021, to provide the required documents. Ms. Smith saw the notice, but did not pay attention to it. Ms. Smith decided to not call Iowa Workforce Development (IWD), and instead wait for IWD to call her.

On May 7, 2021, the agency mailed Ms. Smith a letter also stating that if she was unable to provide proof of identity by May 13, 2021, "benefits may be delayed or denied." Ms. Smith did not receive the letter. On, or about, July 15, 2021, Ms. Smith had a fact-finding interview with an IWD representative. At the end of the call, the representative told Ms. Smith that she had to verify her identity.

Ms. Smith provided proof of identity on, or about, July 20, 2021. Ms. Smith's unemployment insurance claim was unlocked at that time. The next day, July 21, 2021, the agency issued a decision finding Ms. Smith eligible for benefits effective July 18, 2021, as the requested identity verification documents were provided.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Smith failed to provide timely verification of 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 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.

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.

In this case, Iowa Workforce Development notified Ms. Smith that identity verification needed to be provided by May 13, 2021, in order to prevent benefits from delayed or denied. Ms. Smith did not provide the requested documentation until July 20, 2021. There is no evidence in the record indicating Ms. Smith's failure to provide the required documentation in a timely manner was due to agency error. The administrative law judge finds Ms. Smith was not available for work until July 18, 2021, the week the required identity verification documents were provided to the agency.

Therefore, benefits are withheld from April 18, 2021 through July 17, 2021. Benefits are allowed effective July 18, 2021, provided Ms. Smith is otherwise eligible.

DECISION:

The July 21, 2021, (reference 03) unemployment insurance decision is affirmed. Ms. Smith was not available for work during the 13-week period ending July 17, 2021, as she failed to provide verification of identity as required. Benefits are allowed effective July 18, 2021, provided she is otherwise eligible.



Daniel Zeno
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September 23, 2021
Decision Dated and Mailed

dz/mh