

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

EVELYN LARA
Claimant

APPEAL 23A-UI-10929-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/29/23
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Available for work
Iowa Admin. Code r. 871-24.2(1)(e) – Able & Available – Report as Directed by Department
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report
Iowa Admin. Code r. 871-24.22(2) – Able & Available – Benefits Eligibility Conditions
Iowa Admin. Code r. 871-24.3 – Able & Available – Identity Verification

STATEMENT OF THE CASE:

On November 21, 2023, the claimant filed an appeal from the November 17, 2023, (reference 01) unemployment insurance decision that allowed benefits effective November 12, 2023, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. Claimant was notified of the hearing. A telephone hearing was held on December 12, 2023. The claimant participated through CTS Language Link Spanish Interpreter, Arturo (Identification Number 16686). Administrative notice was taken of claimant's unemployment insurance benefits records including the October 31, 2023 letter from Iowa Workforce Development.

ISSUES:

- I. Is the claimant able to and available for work?
- II. Did the claimant timely provide verification of her identity?
- III. 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 went to her local IowaWorks office for assistance in filing her claim for benefits. Claimant's primary language is Spanish. Claimant can also read English. Claimant filed a claim for unemployment insurance benefits effective October 29, 2023. Unbeknownst to claimant the system was unable to verify her identity through the online verification process. Claimant received a confirmation number for her claim but she did not receive notification she the system was unable to verify her identity.

On October 31, 2023, Iowa Workforce Development (IWD) mailed claimant a letter stating that if claimant was unable to provide proof of identity by November 6, 2023, "benefits may be delayed and ... claim may be canceled." Claimant did not receive this letter.

Claimant did not receive her benefits for a couple of weeks. On November 15, 2023, claimant went back to the IowaWorks office to determine why her claim was not being paid. At this time claimant was made aware that she needed to provide proof of her identity. Later that day claimant submitted her driver's license and social security card to IWD. Claimant was allowed benefits beginning November 12, 2023.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant provided 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.

In this case, claimant did not receive notice claimant needed to provide additional verification of claimant's identity by a specific deadline in order to avoid a delay in benefits. An IowaWorks representative assisted claimant when claimant applied for benefits. The representative did not inform claimant she needed to provide documentation to prove her identity. Claimant did not receive a letter from IWD regarding their inability to verify claimant's identity. When claimant did not receive benefits for a couple of weeks claimant went back to the IowaWorks office on November 15, 2023, and discovered the issue. Claimant immediately emailed her verification documents to IWD. Any delay in claimant providing the verification documents was caused or perpetuated by IWD. Benefits are allowed effective October 29, 2023, provided claimant is otherwise eligible.

DECISION:

The November 17, 2023, (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant timely provided verification of claimant's identity. Benefits are allowed effective October 29, 2023, provided claimant is otherwise eligible.



Carly Smith
Administrative Law Judge

December 13, 2023
Decision Dated and Mailed

scn

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:

**Iowa Employment Appeal Board
6200 Park Avenue 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> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: 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 adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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.