

**IOWA DEPARTMENT OF INSPECTIONS & APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS, UI APPEALS BUREAU**

LORNA S WOOD

Claimant

APPEAL NO. 22A-UI-16331-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/24/22
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Verification of Identity
Iowa Administrative Code Rules 871-24.2(1)(e) & 871-24.23(11) – Failure to Report as Directed

STATEMENT OF THE CASE:

On August 19, 2022, Lorna Wood (claimant) filed a timely appeal from the August 16, 2022 (reference 01) decision that allowed benefits effective August 14, 2022, provided the claimant was otherwise eligible, based on the deputy's conclusion the claimant had been disqualified for benefits for failure to prove her identity, but had subsequently provided the requested documents to verify her identity. The reference 01 decision effective denied benefits for the three weeks between July 24, 2022 and August 13, 2022. After due notice was issued, a hearing was held on September 16, 2022. Claimant participated. Exhibit A, the online appeal, and Exhibit B, the handwritten letter attached to the online appeal, were received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, the July 26, 2022 ID verification letter, and the ID verification materials the claimant submitted to the Mason City IowaWORKS.

ISSUE:

Whether the claimant failed to provide timely identification verification as directed by Iowa Workforce Development and, therefore, did not meet the availability requirement during the three weeks between July 24, 2022 and August 13, 2022.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Lorna Wood (claimant) established an original claim for benefits that was effective July 24, 2022. The claimant did not note the identity verification requirement and did not upload ID verification documents at the time she applied online for unemployment insurance benefits. On July 24, 2022, Iowa Workforce Development mailed an ID verification letter to claimant at her Forest City address of record. The letter stated:

We were not able to verify your identity. If you do not submit proof of your identity by 08/01/22, your benefits may be delayed or denied. Any documents sent by mail must be postmarked by the due date to be considered timely.

You must still submit proof of identity to receive any benefit payments even if the due date has passed.

The letter went on to specify the required documentation. The letter directed the claimant to submit her ID verification documents online or by mailing a copy of the documents to the Benefits Bureau post office box in Des Moines. The letter provided the relevant webpage information and the mailing address for the Benefits Bureau.

The weight of the evidence indicates the claimant received the July 26, 2022 ID verification letter in a timely manner, prior to the August 1, 2022 deadline set forth therein.

The claimant elected to delay her response to the request for ID verification documentation. The claimant decided she did not want to submit the materials by the means specified in the July 26, 2022 and decided instead that she wanted to hand-deliver the documents to the Mason City IowaWORKS Center. On Monday, August 15, 2022, the claimant took the required documentation to the Mason City IowaWORKS and hand-delivered the documentation to the Agency representative. On August 15, 2022, the Agency representative documented receipt of the ID verification documents and entered the reference 01 decision into the IWD computer system. On August 16, 2022, IWD mailed the reference 01 decision that allowed benefits effective August 14, 2022, provided the claimant was otherwise eligible. The claimant's recollection that she delivered the ID verification documents on August 19, 2022, the date she filed her appeal is inaccurate.

The claimant concedes she was late providing the ID verification materials and has provided a handwritten letter in which states she had been busy raising her children and getting them registered for their senior year of school.

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 871-24.2(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 871-24.23(11).

The claimant is not eligible for benefits for the three weeks between July 24, 2022 and August 13, 2022. The claimant had a reasonable opportunity to provide the required ID verification materials by the August 1, 2022, deadline set forth in the July 26, 2022 letter. The claimant delayed her response and thereby failure to "report" as directed. The claimant did not provide the required ID verification documentation until August 15, 2022 and, for that reason is not eligible for benefits for the period of the claim prior to the week that began August 14, 2022. Effective August 14, 2022, the claimant is eligible for benefits, provided the claimant meets all other eligibility requirements.

DECISION:

The August 16, 2022, (reference 01) decision is AFFIRMED. The claimant failed to provide timely identification verification as directed by Iowa Workforce Development and, therefore, did not meet the availability requirement during the three weeks between July 24, 2022 and August 13, 2022. The claimant is not eligible for benefits for the period of July 24, 2022 and August 13, 2022. Effective August 14, 2022, the claimant is eligible for benefits, provided the claimant meets all other eligibility requirements.



James E. Timberland
Administrative Law Judge

October 6, 2022

Decision Dated and Mailed

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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
4th Floor – Lucas Building
Des Moines, Iowa 50319
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
4th Floor – Lucas Building
Des Moines, Iowa 50319
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 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.