

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

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**BILL S. FISTLER**

Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 23A-UI-05848-CS-T**

**AMENDED  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/07/23**

**Claimant: Appellant (4)**

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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 June 6, 2023, the claimant filed an appeal from the June 2, 2023, (reference 02) unemployment insurance decision that allowed benefits effective May 18, 2023, based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so. Claimant was notified of the hearing. A telephone hearing was held on June 27, 2023. The claimant participated. Iowa Workforce Development (IWD) did not call in to participate. Exhibit 1, 2, 3, and 4 were admitted into the record.

**This decision is amended to correct the following to reflect the intention of the decision.  
The following is amended:**

**The decision code originally was a “2” and is now changed to “4”.**

**Under the heading “Reasoning and Conclusions of Law” the original sentence states:**

**“For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of identity.”**

**The sentence is amended to:**

**For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of identity due to agency error. Benefits are allowed effective May 7, 2023.”**

**The following sentence was added under Reasoning and Conclusions of Law.**

**“Claimant’s failure to receive the notice was due to either agency error or due to the failure of the United States Postal Service.”**

Under the “Decision” heading the original sentence states:

**“The June 2, 2023 (reference 02) unemployment insurance decision is REVERSED. Benefits are allowed effective May 7, 2023, provided claimant is otherwise eligible.”**

The “Decision” paragraph is amended to state:

**“The June 2, 2023 (reference 02) unemployment insurance decision is MODIFIED in favor of appellant. Claimant failed to provide verification of his identity due to agency error or due to the USPS. Benefits are allowed effective May 7, 2023, provided claimant is otherwise eligible.”**

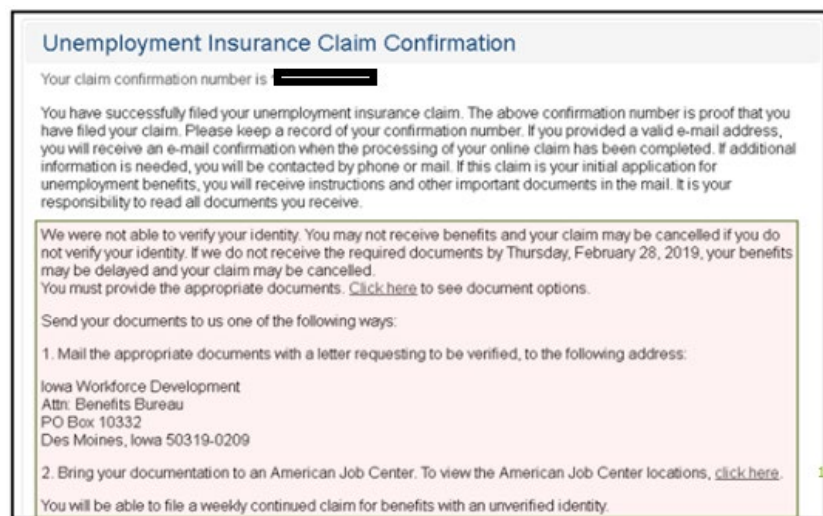
The remainder of the decision is the same.

**ISSUES:**

- I. Did the claimant timely provide verification of his identity?
- II. Did the claimant fail to report as directed by a department representative?
- III. Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits effective May 7, 2023. Claimant was unable to verify his identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of identity to the agency by May 18, 2023, 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 title, 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, there 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 green number "12" in the bottom right corner of the pink box.

The only difference between the graphic above and the message claimant would have received is that claimant would have had until May 18, 2023, to provide the required documents.

Additionally, on May 7, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by May 18, 2023, "benefits may be delayed and ... claim may be canceled."

Claimant does not recall seeing the notice that they were not able to verify the identity when he filed the claim online. Additionally, claimant did not receive the notice mailed on May 7, 2023. Claimant did not become aware that there was an issue until he did not receive the benefits card. Claimant followed up with IWD and then they informed him they were not able to verify his identity. Claimant immediately took his identification to IWD. (Exhibit 2). The claimant's unemployment insurance claim was unlocked at that time. The same day, the agency issued a decision finding claimant eligible for benefits effective May 28, as the requested identity verification documents were provided.

### **REASONING AND CONCLUSIONS OF LAW:**

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

In this case, Iowa Workforce Development notified claimant that identity verification needed to be provided by May 7, 2023, in order to prevent benefits from delayed or the claim being cancelled. Claimant did not receive the notices that he was required to provide his identity to IWD. Claimant's failure to receive the notice was due to either agency error or due to the failure of the United States Postal Service. Benefits are allowed effective May 7, 2023, provided claimant is otherwise eligible.

**DECISION:**

The June 2, 2023 (reference 02) unemployment insurance decision is MODIFIED in favor of appellant. Claimant failed to provide verification of his identity due to agency error or due to the USPS. Benefits are allowed effective May 7, 2023, provided claimant is otherwise eligible."



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Carly Smith  
Administrative Law Judge

June 30, 2023  
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  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://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:

**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 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.