

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY A RECTOR
Claimant

APPEAL 21A-UCFE-00034-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/04/21
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.3(2) – Able & Available – Identity Verification
Iowa Admin. Code r. 871-24.22(2) – Able & Available – Benefits Eligibility Conditions

STATEMENT OF THE CASE:

On August 30, 2021, Mary Rector (claimant/appellant) filed a timely appeal from the August 27, 2021 (reference 01) unemployment insurance decision that found claimant eligible for benefits effective August 22, 2021, based on a finding claimant was disqualified from benefits due to failing to prove her identity but since provided requested documents to verify her identity.

After due notice was issued, a telephone conference hearing was set for October 15, 2021. Claimant participated personally. Official notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

Did the claimant fail to provide verification documentation?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant initially opened a claim for unemployment insurance benefits on July 4, 2021. The Department sent a letter to claimant on July 12, 2021, notifying her that it was unable to verify her identity. It further notified her that if she did not submit proof of identity by July 18, 2021 benefits may be delayed or denied. It further notified her she must submit proof of identity even if the due date has passed.

Claimant did not receive that notification in the mail. Nor was a decision issued finding claimant ineligible for benefits due to being unable to verify claimant's identity. Claimant only became aware of the issue when she called in after waiting several weeks to inquire as to why she had

not received benefits yet. It was at that time that she learned there was an issue and she immediately submitted documents proving her identity. Benefits were allowed from that date.

Claimant filed a claim for benefits each week from the benefit week ending July 10, 2021 and continuing through the benefit week ending October 9, 2021. Claimant is able and available for work. Less work has been available in the weeks filed as claimant works for FEMA in a disaster response role and she has not been dispatched to respond to a disaster for some time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the August 27, 2021 (reference 01) unemployment insurance decision that found claimant eligible for benefits effective August 22, 2021, based on a finding claimant was disqualified from benefits due to failing to prove her identity but since provided requested documents to verify her identity is MODIFIED in favor of appellant. Claimant is eligible for benefits during each week filed.

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 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.

The administrative law judge finds claimant able and available for work during the weeks filed. The administrative law judge further finds any delay in identity verification was due to error or delay of the Department or USPS. Claimant immediately submitted documents proving her identity when she learned it was an issue and benefits were allowed from that date. The administrative law judge finds benefits should be allowed from the original claim date, given the delay in identity verification was due to no fault of claimant.

DECISION:

The August 27, 2021 (reference 01) unemployment insurance decision that found claimant eligible for benefits effective August 22, 2021, based on a finding claimant was disqualified from benefits due to failing to prove her identity but since provided requested documents to verify her identity is MODIFIED in favor of appellant. Claimant is eligible for benefits during each week filed.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

October 22, 2021
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.