

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

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**COREENE K NANCE-HERRICK**  
Claimant

**APPEAL NO. 23A-UI-03656-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/29/23  
Claimant: Appellant (4)**

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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 April 7, 2023, Coreene Nance (claimant) filed a timely appeal from the April 5, 2023 (reference 04) decision that *allowed* benefits effective April 2, 2023, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits based on a failure to prove her identity, but had since provided documents to verify her identity. After due notice was issued, a hearing was held on April 21, 2023. Claimant participated. Iowa Workforce Development Integrity Bureau received notice of the hearing, but submitted proposed Exhibits in lieu of participating in the appeal hearing. Exhibits 1 through 6 and A were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, KLOG, the reference 01, 02 and 04, decisions, and the reference 0r supplemental document.

**ISSUE:**

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period prior to April 2, 2023.

**FINDINGS OF FACT:**

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

On February 3, 2023, Coreene Nance-Herrick (claimant) established an original claim for benefits that Iowa Workforce Development deemed effective January 29, 2023. The claimant did not notice anything in the online benefit application about providing of identity and did not upload ID verification documentation in connection with the initial application for benefits. The claimant did not immediately begin making weekly claims.

On February 6, 2023, IWD mailed a letter to the claimant's address of record. The letter stated:

We were not able to verify your identity. If you do not submit proof of your identity by 02/12/23, 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 list the forms of acceptable ID verification documents, including “A copy of a government-issued identification document that includes your Social Security Number (SSN)” and “Driver’s license.”

The claimant did not receive the February 6, 2023 letter.

On Monday, March 13, 2023, the claimant went the Davenport IowaWORKS Center and reactivated her claim for benefits. The “additional claim” was effective March 12, 2023. While the claimant was at the IowaWORKS Center she provided an IWD representative her Social Security card and her driver’s license. The IWD representative took the two forms of ID to his work station for the purpose of scanning those items and returned the items to the claimant. The claimant noted that the IowaWORKS Center was “swamped” on the day in questions and wonders whether this led to an oversight on the party of the IWD representative.

The claimant returned to the Davenport IowaWORKS Center on April 3, 2023, to check on the status of her benefits payments. During that contact the claimant once again provided the same ID verification items. The deputy documented receipt of ID verification materials without recording what the ID verification items were.

#### **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).

Iowa Administrative Code rule 871-24.2(1)(g) provides as follows:

(g). No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m . on the Sunday following the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on Friday following the weekly reporting period.

The claimant provided the required proof of identity to Iowa Workforce Development on March 13, 2023, when the claimant hand-delivered her Social Security card and her driver's license to a Davenport IowaWORKS representative. The claimant did not receive the February 6, 2023 ID verification letter and, therefore, had good cause attributable to IWD and/or the United States Postal Service for not providing ID verification documents prior to March 13, 2023. No disqualification shall enter based on the alleged failure to provide timely proof of identity.

Because the claimant did not make weekly claims for the period prior to the March 12, 2023 additional claim date, she cannot be considered for benefits for the period prior to the March 12, 2023 additional claim date. Benefits are allowed effective March 12, 2023, provided the claimant meets all other eligibility requirements.

**DECISION:**

The April 5, 2023 (reference 04) decision is MODIFIED in favor of the claimant/appellant as follows. The claimant provided the required proof of identity to Iowa Workforce Development on March 13, 2023. The claimant had good cause attributable to IWD or USPS for not providing ID verification documents prior to March 13, 2023. No disqualification shall enter based on the alleged failure to provide timely proof of identity.

Because the claimant did not make weekly claims for the period prior to the March 12, 2023 additional claim date, she cannot be considered for benefits for the period prior to the March 12, 2023 additional claim date.

Benefits are allowed effective March 12, 2023, provided the claimant meets all other eligibility requirements.



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James E. Timberland  
Administrative Law Judge

April 25, 2023  
Decision Dated and Mailed

jet/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:

**Employment Appeal Board  
4<sup>th</sup> 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 adquiriera 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.