

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL E BRITT
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-07917-B2-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/20/22
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On March 25, 2022, the claimant filed an appeal from the March 22, 2022, (reference 01) unemployment insurance decision that allowed benefits effective March 20, 2021, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. Claimant was properly notified of the hearing. A telephonic hearing was held on May 10, 2022. The claimant participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant able to and available for work?
Did the claimant timely provide verification of her identity?
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 initially opened his claim for unemployment insurance benefits effective February 20, 2022. Claimant was unable to verify his identity through the online verification process. On February 25, 2022, the agency mailed claimant a letter also stating that if she was unable to provide proof of her identity by March 3, 2022, “benefits may be delayed and ... claim may be canceled.”

Claimant did not provide proof of his identity until on or about March 21, 2022, when he took his driver’s license, passport, and a W-2 to the local Iowa Workforce Development office. These documents were scanned and sent to Des Moines, and claimant’s unemployment insurance claim was unlocked at that time. The same day, the agency issued a decision finding claimant eligible for benefits effective March 20, 2022, as he provided the requested identity verification documents.

Claimant's argument against this has three parts: (1) he successfully filed his original claim; (2) he successfully filed weekly claims; and (3) important information from IWD should not be sent through ordinary mail, it should be sent certified mail. Claimant stated that the IWD document mailed to him was sent in an ordinary envelope with an IWD return address. It was not instantly obvious that this was an important document. When this document was received, and claimant does acknowledge receipt of the document, it was placed with other unimportant documents like Walmart weekly ads and not opened. Claimant believes he should not be punished by not receiving money when IWD did not make the importance of the document sent to him more obvious.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant failed to provide timely verification of his 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(2) provides:

The claim will not become valid until the identity has been verified by the department...

Iowa Admin. Code r. 871-24.23(11) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(11) 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.

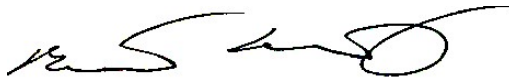
It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.* Everything stated by the claimant in this matter was extremely credible. His testimony is respected.

In this case, claimant received notification that he needed to provide verification of his identity by March 3, 2022, in order to prevent his benefits from being delayed and/or her claim being canceled. Claimant did not provide the requested documentation until March 21, 2022. There is no evidence in the record indicating claimant's failure to provide the required documentation in a timely manner was due to agency error, and the Iowa Code does not dictate that documents shall be sent in a manner other than ordinary mail. The administrative law judge finds claimant was not available for work until March 20, 2022, when he provided the required identity verification documents to the agency.

Therefore, benefits are withheld from February 20 through March 19, 2022. Benefits are allowed effective March 20, 2022, provided claimant is otherwise eligible.

DECISION:

The March 22, 2022, (reference 01) unemployment insurance decision is affirmed. Claimant was not available for work during the four week period ending March 19, 2020, as he failed to provide verification of identity as required. Benefits are allowed effective March 20, 2022, provided he is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

May 31, 2022
Decision Dated and Mailed

bab/kmj