

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DESMON BAYLARK
Claimant

APPEAL 22A-UI-07758-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/25/21
Claimant: Appellant (4)**

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 31, 2022, Desmon Baylark (claimant/appellant) filed an appeal from the March 29, 2022, reference 02, unemployment insurance decision that concluded he had not provided verification of his identity in a timely manner and was not eligible for benefits until March 20, 2022. A telephone hearing was held at on May 9, 2022 pursuant to due notice. The claimant, Desmon Baylark, participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Whether claimant was able to and available for work.
Whether claimant failed to report as directed by a department representative.
Whether claimant timely provided verification of identity.

FINDINGS OF FACT:

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

Claimant initially opened a claim for unemployment insurance benefits on July 25, 2021. Claimant filed for benefits for the two-week period ending August 7, 2021. Claimant returned to work and did not file for benefits until February 19, 2022. The claimant was not aware that he was required to verify his ID until he contacted IWD after he did not receive his benefits. The claimant submitted the necessary documents to verify his identification

On February 21, 2022, the agency mailed claimant a letter also stating that if he was unable to provide proof of his identity by February 27, 2022, “benefits may be delayed and ... claim may be canceled.” Claimant did not receive the letter. Claimant provided proof of identity on March 25, 2022 by submitting a copy of his driver’s license, W-2, and vehicle registration to Iowa Workforce Development. Claimant’s unemployment insurance claim was unlocked on March 20, 2022. On

March 29, 2022, the agency issued a decision finding claimant eligible for benefits effective March 20, 2022, as he provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant did not receive notice that he was required to verify his identification until March 25, 2022, after contacting IWD and learning that his claim was locked. Benefits are allowed effective February 19, 2022.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

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.

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.

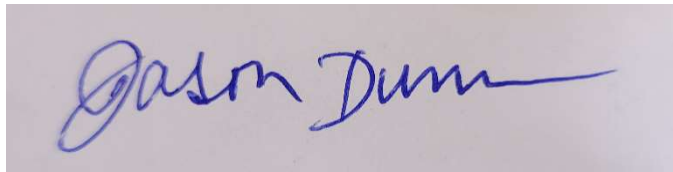
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

In this case, claimant did not receive notification to provide verification of his identity by February 27, 2022, in order to prevent benefits from being delayed and/or the claim being canceled. Claimant provided the requested documentation on March 25, 2022, after contacting IWD and learning that his claim was locked and that he needed to provide proof of his identity. The claimant provided verification once he was made aware of this requirement. Benefits are allowed effective February 19, 2022.

Benefits are allowed effective February 19, 2022, provided claimant is otherwise eligible. The claimant's claim shall not be locked for the period in question as he did not receive proper notice.

DECISION:

The March 29, 2022, reference 02, unemployment insurance decision is modified in favor of the appellant. The claimant is eligible for benefits effective February 19, 2022.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515) 478-3528

May 31, 2022
Decision Dated and Mailed

jd/kmj