

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARVEL E WINDSOR
Claimant

APPEAL NO. 19A-UI-06998-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/10/19
Claimant: Appellant (4)

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-24.3(2) – Identity Verification Requirement

STATEMENT OF THE CASE:

Arvel Windsor filed a timely appeal from the August 21, 2019, reference 02, decision allowed benefits effective August 18, 2019, provided Mr. Windsor met all other eligibility requirements, based on the deputy's conclusion that Mr. Windsor had by that point provided the requested documents to verify his identity. The decision referenced a prior disqualification for benefits based on a purported failure to prove identity. After due notice was issued, a hearing was held on September 25, 2019. Mr. Windsor participated. Exhibits A through D were received into evidence. The administrative law judge took official notice of the following Agency administrator records: database readout (DBRO), a letter mailed on July 23, 2019, and documentation of the Agency's receipt of identity verification documents on August 15, 2019.

ISSUES:

Whether Mr. Windsor was available for work and eligible for benefits for the four weeks between July 21, 2019 and August 17, 2019, based on the identity verification requirement.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Arvel Windsor is employed by the Young Men's Christian Association (YMCA) as a part-time bus driver. Mr. Windsor established an original claim for benefits that was effective March 10, 2019. The YMCA is the sole base period employer in connection with the claim. Iowa Workforce Development set Mr. Windsor's weekly benefit amount at \$180.00. Mr. Windsor established an additional claim for benefits that was effective July 21, 2019 in response to being temporarily laid off from the YMCA.

On July 23, 2019, Iowa Workforce Development mailed a letter to Mr. Windsor that stated the Agency was unable to verify Mr. Windsor's identity. The letter said that if Mr. Windsor did not submit proof of his identity by July 26, 2019, his benefits could be delayed and his claim could be cancelled. Mr. Windsor did not receive the letter that was mailed on July 23, 2019.

On August 12, 2019, Mr. Windsor participated in a fact-finding interview regarding his temporary layoff from the YMCA.

On August 15, 2019, Mr. Windsor became concerned that he was not receiving weekly benefits in response to making weekly claims. Mr. Windsor contacted the Agency and learned that benefits were being withheld based on the agency not receiving proof of identity documentation. Mr. Windsor provided the requested documentation that same day. The denial of benefits had gone into effect on July 27, 2019 and continued to be in effect through the benefit week that ended August 17, 2019.

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.

Iowa Administrative Code rule 871-24.3(2) does not specify that it applies only to original claims for benefits and not to additional claims for benefits. Iowa Administrative Code rule 871-24.1(25) defines "claim" as follows: "A request for benefit payment; also used to mean any notice filed by an individual to establish insured status or a notice filed by an individual to inform the administrative agency of the individual's unemployment." Based on the language of Iowa Administrative Code rule 871-24.3(2) and the definition provided in Iowa Administrative Code rule 871-24.1(25), the administrative law judge concludes the term "the claim" applies to both original claims and to additional claims. Regardless of whether the Agency required verification information in connection with the March 10, 2019 original claim, that would not bar the Agency from requiring verification information in connection with the July 21, 2019 additional claim. Under the plain language of the administrative code rule, Mr. Windsor's additional claim for benefits could not be considered valid until his identity was verified by Iowa Workforce Development. That happened on August 15, 2019. Under the wording of the administrative code rule, the effective date of the additional claim was supposed to be the Sunday of the week in which Mr. Windsor's identity was verified. Mr. Windsor provided the necessary verification documents on Thursday, August 15, 2019. Accordingly, the additional claim would be deemed effective Sunday, August 11, 2019, rather than August 18, 2019. Mr. Windsor is eligible for benefits in connection with the additional claim for benefits effective August 11, 2019 provided

he meets all other eligibility requirements. Based on the wording of the administrative code rule, that administrative law judge would not have authority to make the additional claim effective any date earlier than August 11, 2019.

DECISION:

The August 21, 2019, reference 02, decision is modified in favor of the claimant as follows. The claimant met the identity verification requirement effective the week that started August 11, 2019. The claimant is eligible for benefits effective August 11, 2019 provided he meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs