

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHLEY A EGLEY
Claimant

APPEAL NO: 23A-UI-11718-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/22/23
Claimant: Appellant (2)**

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 – Able & Available – Identity Verification

STATEMENT OF THE CASE:

On December 14, 2023, the claimant, Ashley A. Egley, filed an appeal from the December 8, 2023, (reference 02) unemployment insurance decision that allowed benefits effective November 26, 2023, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. The claimant was notified of the hearing. A telephone hearing was held on January 5, 2024, at 8:00 a.m. The claimant participated. Exhibit 1, 2, 3, 4, A, B, C, D, E, and F were received into evidence. Official notice was taken of the agency records.

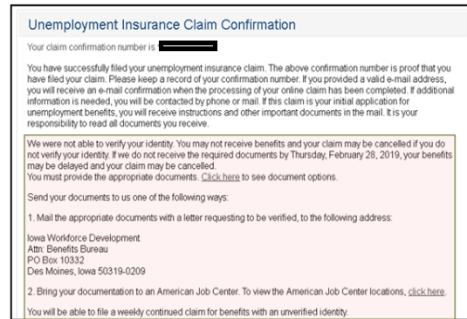
ISSUES:

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:

The claimant filed a claim for unemployment insurance benefits effective October 22, 2023. The claimant was unable to verify her identity through the online verification process. Therefore, on the claim confirmation page, a notice appeared stating claimant was required to provide qualifying proof of identity to the agency by November 5, 2023, to prevent benefits from being delayed and the claim from being canceled. The notification would have looked similar to the graphic below:



The only difference between the graphic above and the message claimant would have received is that claimant would have had until November 5, 2023, to provide the required documents.

Additionally, on October 30, 2023, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by November 5, 2023, "benefits may be delayed and ... claim may be canceled." The claimant received this letter.

On November 1, 2023, the claimant submitted a picture of her social security card and driver's license through the online portal at <https://www.iowaworkforcedevelopment.gov/verify>. The claimant received a confirmation email that same day. The claimant provided a copy of the confirmation. (Exhibit B)

Despite her efforts, the claimant still had not received any benefits by November 14, 2023. The claimant started exchanging emails with Kelly Brousseau, a career planner, about why she was not receiving benefits on that date. Ms. Brousseau said the claimant had not been receiving her benefits because she had not provided her identity documents to verify her identity yet. The claimant replied that she had already sent in those documents. The claimant provided copies of these emails. (Exhibits B, C, D) The claimant sent it to Ms. Brousseau's email address at the end of this conversation. (Exhibit E)

November 17, 2023. The claimant uploaded the documents again to the portal. She received another confirmation that they had been submitted. The claimant provided a copy of this confirmation. (Exhibit A)

On November 26, 2023, the claimant went to her local IowaWORKS because she was still not receiving benefits. The claimant spoke with a supervisor about the issue. She presented her driver's license and social security card on that date. The supervisor told the claimant that it may not have been uploaded because the documents were not in color but were black and white screenshots.

On December 8, 2023, Iowa Workforce Development Department issued a decision granting the claimant benefits effective November 26, 2023.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant provided timely verification of identity. Benefits are granted effective October 22, 2023, provided she is otherwise eligible for benefits.

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 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.

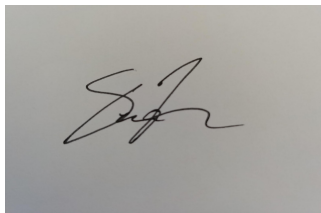
In this case, Iowa Workforce Development notified claimant that identity verification needed to be provided by November 5, 2023, to prevent benefits from delayed or the claim being cancelled. The claimant uploaded these documents on November 1, 2023. She received a claim confirmation number back from Iowa Workforce Development Department confirming the submission. It is unknown why there was a discrepancy with the claimant's identity verification past this date, but Iowa Workforce Development Department did not provide testimony or other

information to explain why. The record shows the claimant verified her identity prior to the date given. To the extent the information did not go through, the administrative law judge finds the claimant was excused due to agency error.

Therefore, benefits are granted effective October 22, 2023, provided she is otherwise eligible for benefits.

DECISION:

The December 8, 2023, (reference 02) unemployment insurance decision is REVERSED. The claimant provided identity verification documents on November 1, 2023, through the portal given for their submission. Benefits are granted effective October 22, 2023, provided the claimant is otherwise eligible for benefits.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is centered within a light gray rectangular box.

Sean M. Nelson
Administrative Law Judge II

January 10, 2024
Decision Dated and Mailed

SMN/jkb

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
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
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> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: 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 se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

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.