

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LATONIA L MOORE
Claimant

APPEAL NO. 22A-UI-04137-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/28/21
Claimant: Appellant (1)**

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 February 5, 2022, Latonia Moore (claimant) filed a timely appeal from the January 31, 2022 (reference 01) decision that allowed benefits for the period beginning January 23, 2022, provided the claimant was otherwise eligible, based on the deputy's determination that the claimant had been disqualified for benefits due to a failure to prove her identity, but since then had provided requested documents and her identity had been verified. The reference 01 decision effectively denied benefits for the four weeks between December 26, 2021 and January 22, 2022, which effective denial prompted the claimant's appeal. After due notice was issued, a hearing was held on March 17, 2022. Claimant participated. Exhibit A, the online appeal, and Exhibit B, screen-shots of email summaries, were received into evidence at the time of the hearing. The administrative law judge took official notice of the following Agency administrative records: DBRO, KLOG, the December 29, 2021 mailed notice, the January 31, 2022 (reference 01) decision, and the reference 01 supplemental documents.

The administrative law judge left the hearing record open for the remainder of March 17, 2022 for the limited purposes of allowing the claimant to submit correspondence between the claimant and Iowa Workforce Development relevant to the identity verification issue. Immediately after the hearing, the claimant submitted additional materials that were received into evidence as Exhibits C, D and E. Exhibit C is January 11, 2022 correspondence. Exhibit D is January 27, 2022 correspondence. Exhibit E consists of weekly claim confirmations.

ISSUES:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement during the period of December 26, 2021 through January 22, 2022.

FINDINGS OF FACT:

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

The claimant, Latonia Moore, established an original claim for benefits that was effective February 28, 2021. The claimant did not make weekly claims at that time and did not receive weekly benefits at that time.

During the week of December 26, 2021, the claimant established an “additional claim” for benefits that Iowa Workforce Development deemed effective December 26, 2021. The claimant answered the questions the online application process prompted her to answer. The claimant believes some of those questions were aimed at verifying her identity. The claimant was aware that Iowa Workforce Development would need to verify her identity. For that reason, the claimant uploaded a copy of her Iowa driver’s license and a birth certificate when she filed the additional claim. Neither document included the claimant’s Social Security number.

On December 29, 2021, Iowa Workforce Development mailed a notice to the claimant’s Iowa Falls last-known address of record. The claimant did not receive the notice. The notice stated Iowa Workforce Development had been unable to verify the claimant’s identity. The notice warned that if the claimant did not submit proof of her identity by January 4, 2022, the claimant’s benefits could be delayed or denied. The notice stated that if the claimant elected to mail the required verification documents, the mailing must be postmarked by January 4, 2022. The notice indicated that the claimant was required to submit a minimum of two identity verification items to prove her identity. The notice required “A copy of a government-issued identification document that includes your Social Security Number (SSN).” The notice required that claimant also submit one of the following:

- Driver’s license, a state issued ID, or Military ID
- U.S. Passport
- Permanent Resident Card or Alien Registration Card
- Employment Authorization Document
- Other government-issued identification document.

The December 29, 2021 notice provided instructions for submitting the required items online, by mail, or in person.

Because the claimant did not receive the December 29, 2021 notice, she did not take steps to respond to the notice by the January 4, 2022 deadline set forth in the notice. The claimant has already satisfied the secondary document requirement, but had not yet submitted a copy of a government-issued identification document that included her Social Security Number (SSN).

On January 11, 2022, Iowa Workforce Development emailed notice to the claimant of the need to provide documentation to verify her identity. The language of the emailed notice was consistent with the language that had been included in the mailed notice. The January 11, 2022 email was the claimant’s first notice that there was a problem with her claim and a problem with verifying her identity.

The claimant immediately responded to the mailed notice by uploading tax records via the IWD website. The documents included a portion of the claimant’s Social Security number, but not include the complete Social Security number.

On January 20, 2022, the claimant called Iowa Workforce Development to inquire whether the documents she had submitted were sufficient to verify her identity. On that day, an Iowa Workforce Development representative told the claimant that with submission of the W2 and the tax return, Iowa Workforce Development now had what it needed.

On January 24, 2022, an Iowa Workforce Development representative notified the claimant that the tax documents were *not* sufficient to verify the claimant's identification, because they did not include the full Social Security number.

On January 27, 2022, the claimant took a photo of a medical record that included her full Social Security number and attached the photo to an email she sent to the representative who contacted her on January 24, 2022. Upon receipt of the claimant's email, the IWD representative sent an email message to the claimant confirming that the Agency had now verified the claimant's identity and that benefits payments would issue for the period beginning January 23, 2022.

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).

The evidence in the record establishes a good cause basis for the claimant not submitting her ID verification materials by the January 4, 2022 deadline set forth in the December 29, 2021 letter. The claimant did not receive the December 29 letter that directed her to submit ID verification materials by January 4, 2022. As of January 11, 2022, the claimant had notice that she needed to immediately submit the ID verification materials. The claimant responded that same day, but did not at that time comply with the requirement that she submit a copy of a government-issued identification document that included her Social Security Number (SSN). The claimant did not satisfy the ID verification requirement until January 27, 2022, when she submitted the document that included her full Social Security number. January 31, 2022 (reference 01) decision that allowed benefits for the period beginning January 23, 2022, but

effectively denied benefits for the period of December 26, 2021 through January 22, 2022 was correct.

DECISION:

The January 31, 2022 (reference 01) decision is affirmed. The claimant satisfied the ID verification requirement during the week that started January 23, 2022. Effective January 23, 2022, the claimant is eligible for benefits, provided the claimant meets all other eligibility requirements. The claimant is not eligible for benefits for the period of December 26, 2021 through January 22, 2022.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

March 30, 2022
Decision Dated and Mailed

jet/scn