

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA C SUAREZ
Claimant

APPEAL 20A-UI-10125-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/19/20
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. 871-24.3(2) – Able & Available – Identity Verification

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 12, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a determination that she failed to provide verification of identity. The claimant was properly notified of the hearing. A telephone hearing was held on October 7, 2020. The claimant participated in the hearing with non-attorney representative Sandra Suarez. Claimant's Exhibits A, B and C, were admitted into evidence.

ISSUE:

The issues are whether the claimant is able to and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant initially opened a claim for unemployment insurance benefits effective April 19, 2020, and received benefits from April 25 through August 8, 2020. The claimant did not receive a letter from the Department informing her she needed to provide proof of identity but was notified in the decision dated August 12, 2020, reference 01. The claimant provided her driver's license, social security card and green card prior to the hearing held on October 7, 2020 (Claimant's Exhibits A, B and C).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant provided verification of her 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...

After assessing the credibility of the witness who testified during the hearing and considering the applicable factors listed above, the administrative law judge finds the claimant provided proof of her identity when notified that was an issue. In this case, the claimant provided verification of her identity when informed by the Department she needed to do so. The administrative law judge finds the claimant was able and available for work effective April 19, 2020.

DECISION:

The August 12, 2020 (reference 01) unemployment insurance decision is reversed. The claimant was available for work effective April 19, 2020. Benefits are allowed effective April 19, 2020, provided the claimant is otherwise eligible.



Julie Elder
Administrative Law Judge

October 9, 2020
Decision Dated and Mailed

je/scn