

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ERIC R ROUSSEL
Claimant

APPEAL NO. 22A-UI-05864-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/02/22
Claimant: Appellant (4)**

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 March 7, 2022, Eric Roussel (claimant) filed a timely appeal from the March 2, 2022 (reference 01) decision that allowed benefits for the period beginning February 20, 2022, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant had been disqualified for benefits for failing to prove his identity, but had subsequently provided the requested documents and his identity was verified. After due notice was issued, a hearing was held on April 15, 2022. Claimant participated. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, the January 10, 2022 notice regarding proof of identity, the reference 01 Statement of Fact/Decision Worksheet and attached photocopied driver's license and Social Security Card, and the April 15, 2022 email from Natali Atkinson, Unemployment Insurance Program and Compliance Manager, regarding a "glitch" in the IWD computer system during the period of December 12, 2021 through January 15, 2022 that omitted notice to claimant's regarding the need to submit ID verification materials.

ISSUES:

Whether the claimant failed to provide timely identification verification and, therefore, did not meet the availability requirement for the period beginning January 2, 2022 through February 19, 2022.

FINDINGS OF FACT:

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

The claimant, Eric Roussel, established an original claim for benefits that was effective January 2, 2022. At the time, the claimant applied for benefits, the Iowa Workforce Development computer system did not solicit information to establish proof of the claimant's identity and did not prompt the claimant to submit documentary proof of identity.

After the claimant established the original claim, the claimant made timely weekly claims for the period of January 2, 2022 through March 12, 2022. In connection with each weekly claim, the claim, the IWD computer system confirmed that the claimant had successfully filed a weekly claim and did not reference any issues with the claim or any need for the claimant to contact IWD about issues with the claim.

On January 10, 2022, IWD mailed a notice to the claimant's Dubuque address of record regarding the need to submit required identity verification documents by January 16, 2022 or risk having benefits delayed or denied. The claimant did not receive the January 10, 2022.

After a number of weeks, the claimant noted that no benefits were being deposited to his bank account. The claimant assumed benefits would commence after some reasonable period of delay. The claimant continued to wait until February 23, 2022.

On February 23, 2022, the claimant went to the Dubuque IowaWORKS, where he learned the delay in benefits was attributable to the absence of proof of identity. On that same day, the claimant returned to the IowaWORKS center with his commercial driver's license and Social Security card so IWD could make a copy. The IowaWORKS staff forwarded the identification documents to the Unemployment Insurance Service Center. An IWD Benefits Bureau deputy then entered the March 2, 2022 (reference 01) decision that allowed benefits for period beginning February 20, 2022, provided the claimant was otherwise eligible. The start date for the allowance had the effective of disqualifying the claimant for benefits for the period of January 2, 2022 through February 19, 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 establishes good cause for the claimant's delay in providing the required proof of identity documentation. The IWD computer system did not solicit such information at the time of the initial application. The claimant did not receive the notice mailed on January 10, 2022 and, therefore, was unaware of the need to submit the required documentation by January 16, 2022. The claimant continued to be unaware, through no fault of the claimant, until February 23, 2022, at which time the claimant learned of the identity verification problem and immediately submitted the required documentation. The claimant is eligible for benefits for the period beginning January 2, 2022, provided the claimant meets all other eligibility requirements. No disqualification or denial of benefits shall enter in connection with the ID verification issue.

DECISION:

The March 2, 2022 (reference 01) decision is MODIFIED in favor of the claimant/appellant. The claimant is eligible for benefits for the period beginning January 2, 2022, provided the claimant meets all other eligibility requirements. No disqualification or denial of benefits shall enter in connection with the ID verification issue.



James E. Timberland
Administrative Law Judge

April 20, 2022
Decision Dated and Mailed

jet/mh