

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GABRIEL A PRATT
Claimant

APPEAL 22A-UI-06138-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/30/22
Claimant: Appellant (1)

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:

The claimant filed a timely appeal from the March 3, 2022, (reference 02) unemployment insurance decision that denied benefits effective until February 27, 2022 based upon a determination that claimant initially failed to provide verification of his identity but subsequently did so on February 27, 2022. After due notice was issued, a telephone conference hearing was set for April 19, 2022. Claimant participated. Exhibit D-1 was received into the record. Official notice was taken of the agency records.

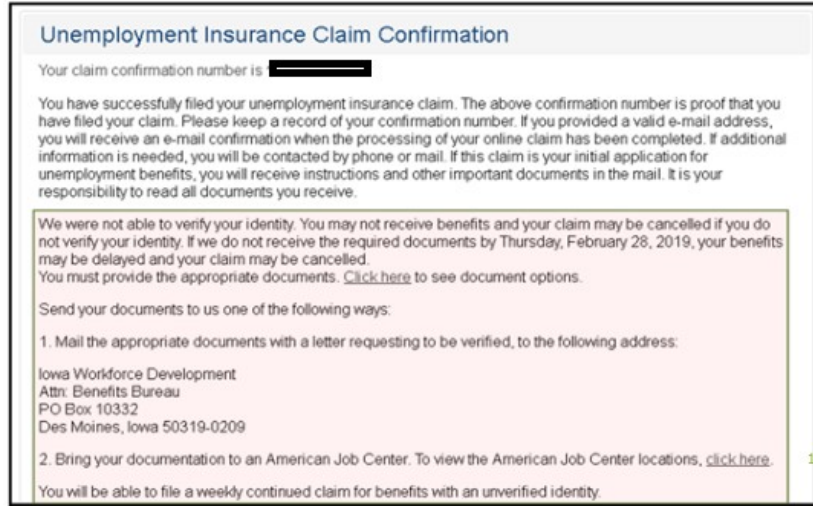
ISSUES:

Is the claimant able to and available for work?
Did the claimant timely provide verification of his identity?
Did the claimant fail to report as directed by a department representative?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed an original claim for unemployment insurance benefits effective January 30, 2022. The claimant was unable to verify his identity through the online verification process. On the claim confirmation page, a notice should have appeared stating claimant was required to provide qualifying proof of identity to the agency by February 10, 2022, in order to prevent benefits from being delayed and the claim from being canceled. The notification would have looked similar to the graphic below:



The claimant credibly denied receiving this prompt on the computer. The claimant used a computer at the IowaWorks Center. To gain access to the computer, the claimant had to show his driver's license. The claimant's driver's license has a golden star indicating it is a Real ID.

On February 4, 2022, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by February 4, 2022, "benefits may be delayed and ... claim may be canceled." The notice said that at a minimum the claimant must provide a "government issued identification document that includes [his] social security number" and a copy of one of several other documents. One of these documents in the second list is a driver's license. The document does not distinguish between regular driver's licenses and Real IDs. The claimant received this letter.

On February 9, 2022, the claimant went back to the IowaWorks Center due to receiving this notice. He presented staff with his Real ID driver's license. The claimant was told that there was a new program on the computer. The claimant did not provide a document with his social security number on it when he was in the office on that date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the delay in verifying the claimant's identity was due to agency error.

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.

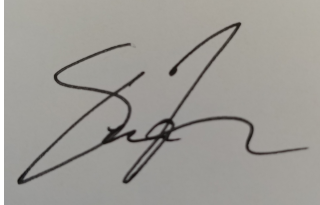
(11) Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

(25) If the claimant is out of town for personal reasons for the major portion of the workweek and is not in the labor market.

The record reflects the claimant did not meet the minimum requirements of Iowa Admin. Code r. 871-24.3(2)(stating a claimant must include a document displaying his social security number). The claimant conceded that he did not provide a document of this type. He contends that a Real ID should be sufficient to verify his identity. The administrative law judge understands the sentiment given the additional requirements for obtaining a Real ID. Unfortunately for the claimant, Iowa Admin. Code r. 871-24.3(2) and the notice he received in the mail on February 4, 2022 state that he also must submit a document with his social security number to meet the minimum requirements. Benefits are denied until February 27, 2022.

DECISION:

The unemployment insurance decision March 3, 2022 (reference 02) is affirmed. The claimant is not eligible for benefits until February 27, 2022 because he did not meet the minimum requirements for verifying his identity prior to that point.



Sean M. Nelson
Administrative Law Judge
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April 26, 2022
Decision Dated and Mailed

smn/kmj