

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

JOYCE M MCCARRON
Claimant

APPEAL 24A-UI-00934-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/31/23
Claimant: Appellant (4)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Code § 96.6 – Filing

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 January 23, 2024, the claimant filed an appeal from the January 19, 2024, (reference 01) unemployment insurance decision that allowed benefits effective January 14, 2024, based upon a determination that claimant initially failed to provide verification of her identity but subsequently did so. The parties were notified of the hearing. A telephone hearing was scheduled for February 14, 2024. However, the administrative law judge postponed the hearing because Iowa Workforce Development (IWD) was not given notice of the appeal and hearing. After proper notice was given, a telephone hearing was held on February 26, 2024. Claimant participated personally. Iowa Workforce Development (IWD) participated through written statement and documentation. Department's Exhibits 1 – 5 were received.

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: Claimant filed a claim for unemployment insurance benefits effective December 31, 2023. 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 in order to prevent benefits from being delayed and the claim from being canceled. Claimant did not recall seeing such a notice.

Additionally, on January 5, 2024, the agency mailed claimant a letter also stating that if claimant was unable to provide proof of identity by January 11, 2024, "benefits may be delayed and ... claim may be canceled."

Claimant did not receive the letter in the mail until January 12, 2024. She promptly placed a copy of her driver's license and social security card in the mail that same day. IWD received the mailed letter on January 16, 2024. Claimant's unemployment insurance claim was unlocked at that time. On January 19, 2024, IWD issued a decision (reference 01) allowing claimant benefits effective January 14, 2024. Claimant seeks benefits for the two weeks between December 31, 2023, and January 13, 2024.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

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 Code section 96.6 provides in relevant part:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

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:

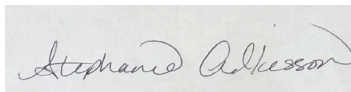
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 January 11, 2024, in order to prevent benefits from being delayed or the claim being canceled. Claimant did not receive the letter until January 12, 2024. Her failure to meet the agency's deadline was likely attributable to the U.S. Postal Service, a force beyond claimant's control. As soon as claimant learned IWD required her identity verification documents, she submitted them. As such, benefits are allowed effective December 31, 2023, provided claimant is otherwise eligible.

DECISION:

The January 19, 2024, (reference 01) unemployment insurance decision is modified in favor of the appellant. The delay in providing identification verification information was not due to fault on the part of claimant. Benefits are allowed effective December 31, 2023, provided claimant is otherwise eligible.



Stephanie Adkisson
Administrative Law Judge

February 29, 2024
Decision Dated and Mailed

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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
En línea: 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 adquiera 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.