

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SIMON JELINEK
Claimant

APPEAL 20R-UI-02015-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/05/20
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. 871-24.2(1)(e) – Able & Available – Report as Directed by Department
Iowa Admin. Code r. 871-24.3(2) – Able & Available – Identity Verification

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 29, 2020 (reference 01) unemployment insurance decision that allowed benefits effective January 26, 2020, based upon a determination that the claimant initially failed to provide verification of identity but subsequently did so. The claimant was properly notified of the hearing. A telephone hearing was held on April 13, 2020. The claimant participated in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

The issues are whether the claimant was able to and available for work effective January 5, 2020, whether the claimant timely provided verification of identity, and whether the claimant failed to report as directed by a department representative.

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 his claim for unemployment insurance benefits effective January 5, 2020. The claimant was unable to verify his identity through the online verification process. The claimant did not recall seeing a notice that he was required to provide qualifying proof of his identity to the agency on his claim confirmation page, but acknowledged that he may have missed it. The agency subsequently mailed the claimant a letter also stating that if he was unable to provide proof of his identity he may not be able to receive benefits. The claimant does not recall receiving this letter. The claimant filed his weekly claim for the next three weeks and each week it said his claim was successfully filed. It did not say his identity had not been verified. The claimant checked his bank account and noticed he had not received any unemployment benefits for the three weeks he filed. On January 28, 2020, the claimant went into his local office and provided the required documentation. The next

day, January 29, 2020, the agency issued a decision finding the claimant eligible for benefits effective January 26, 2020, as he provided the requested identity verification documents.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant provided timely verification of his 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, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds the claimant was credible when he denied knowing that he needed to provide proof of his identity.

In this case, claimant did not receive notification that he needed to provide verification of identity in order to prevent his benefits from being delayed and/or his claim being canceled. The claimant did not provide the requested documentation until January 28, 2020. The claimant received a message stating his claim was successfully filed the first three weeks of his claim and he was unaware the agency sent him a letter telling him he needed to provide verification of his identity. Once he learned his claim was locked because he had not provided verification of his identity, he immediately went to the Waterloo Workforce Development office and provided the verification. The administrative law judge finds the claimant was available for work effective January 5, 2020.

Therefore, benefits are allowed effective January 5, 2020, provided the claimant is otherwise eligible.

DECISION:

The January 29, 2020 (reference 01) unemployment insurance decision is reversed. The claimant was available for work effective January 5, 2020, provided the claimant is otherwise eligible.



Julie Elder
Administrative Law Judge

April 20, 2020
Decision Dated and Mailed

je/scn