

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE APPEALS COMMISSION

In the Matter of

[REDACTED]

Appeal Docket No.: [REDACTED] 262722W

Claimant.

UIA Case No.: [REDACTED]

DECISION OF THE UNEMPLOYMENT INSURANCE APPEALS COMMISSION

On October 30, 2020, the Unemployment Insurance Agency (Agency) issued a determination that held the claimant ineligible for benefits under the identity eligibility provision of the Michigan Employment Security Act (Act), Section 28(1)(b), beginning March 22, 2020 and continuing for an indefinite period. Additionally, the claimant was subject to restitution under Section 62(a) of the Act. The determination was accompanied by a “weeks of overpayment” statement in which the Agency indicated the claimant was overpaid a total of \$6,171.00 for the weeks ending March 28, 2020 through May 23, 2020.

Pursuant to the claimant’s timely appeal of the determination, a hearing was held before an Administrative Law Judge (ALJ). Following the hearing, the ALJ issued a decision on December 11, 2020. The ALJ’s decision modified the Agency’s determination by establishing May 30, 2020 as the end date for the period of ineligibility. By extension, ALJ’s finding affirmed the part of the determination that held the claimant ineligible for benefits from March 22, 2020 through May 30, 2020. Additionally, the ALJ’s decision affirmed that the claimant was subject to restitution under Section 62(a) of the Act from weeks ending March 28, 2020 through May 23, 2020.

This case is now before the Unemployment Insurance Appeals Commission (Commission) as a result of the claimant’s timely appeal from the ALJ’s decision.

Having reviewed the record, we modify the ALJ’s decision and find the claimant eligible for benefits under Section 28(1)(b) of the Act for the entirety of the involved claim, benefit year beginning date March 22, 2020. Further, we find the claimant is therefore not subject to restitution under Section 62(a) of the Act. Our reasons are as follows:

The ALJ’s decision found that the claimant satisfied the requirements of Section 28(1)(b) of the Act and that portion of the decision was favorable to the claimant. Thus, the *only* issue presented in this matter is:

When a claimant has submitted copies of acceptable documents that satisfy the requirements of Section 28(1)(b) of the Act, is the claimant eligible beginning the week in which the acceptable documents were received or is the claimant eligible for the entire period of the involved claim?

We find that after a claimant has provided copies of acceptable documents which satisfy the requirements of Section 28(1)(b) of the Act, the claimant is eligible for the entire period of the involved claim.

Under Sections 28(1)(b)(i) and (ii) of the Act, all claimants must provide certain identifying information to the Agency in order to be eligible to receive benefits. Additionally, Section 28(1)(b)(iii) allows the Agency, without prerequisite, to request that an individual provide copies of “acceptable documents.” Section 28(1)(b) of the Act provides as follows:

- (1) An unemployed individual shall be eligible to receive benefits with respect to any week **only if** the unemployment agency finds all of the following:
 - (b) **The individual has** made a claim for benefits pursuant to section 32 and **has provided the unemployment agency with all of the following:**
 - (i) His or her Social Security number.
 - (ii) His or her driver license number, and the state that issued the license, or state identification card number, and the state that issued the identification card, or copies of the acceptable documents as provided in the Form I-9.
 - (iii) **If the unemployment agency has requested them, copies of the acceptable documents** as provided in the Form I-9. As used in this subdivision, “Form I-9” means the employment verification form that fulfills the employment verification obligations under 8 CFR 274a.2.

(Emphasis added.)

At the hearing in this matter, the claimant’s father appeared with the claimant as a witness. He testified that he assisted the claimant in submitting identity documents to the Agency. He indicated that the claimant received a “request for information” letter from the Agency dated May 25, 2020 in regard to an identity verification issue. The letter requested that claimant provide information and copies of certain identity documents, including a copy of his driver’s license.

The claimant testified that he responded to that request on May 30, 2020, by submitting a copy of his W-2 and social security card through his online Agency MiWAM account. The claimant admitted that he forgot to submit a copy of his driver’s license at that time.

At the hearing, the claimant offered a copy of his driver’s license, which was admitted as Exhibit 1. Additionally, the claimant offered a copy of his social security card, which was admitted as Exhibit 2.

The ALJ relied on the claimant’s exhibits as sufficient to satisfy the requirements of Section 28(1)(b) of the Act in finding the claimant eligible for benefits beginning May 31, 2020.

Under Section 28(1)(b) of the Act, the burden is on the individual making a claim for benefits to establish that he or she is eligible for benefits. To that end, under Section 28(1)(b)(iii), the individual must submit copies of acceptable documents to satisfy the requirements under that section when requested by the Agency.

We acknowledge that the Agency's request for information letter includes a deadline for submission of acceptable documentation. However, the Act does not impose a deadline in which copies of acceptable documents requested under Section 29(1)(b)(iii) must be submitted and we do not find any authority in the Act for the proposition that a claimant's failure to submit the requested information within the Agency's listed time frame precludes a claimant from establishing eligibility for the entirety of the involved claim.

We find that an eligibility issue under Section 28(1)(b) of the Act is an either/or question that goes to the validity of the claim itself and not to any particular week. Where, as here, a claimant presents sufficient documentation to satisfy Section 28(1)(b)(iii), the claimant is eligible for the entirety of the claim and a week-by-week analysis is improper¹.

Based on the foregoing, we find that the ALJ's decision must be modified. The ALJ's finding that the claimant satisfied the requirements under Section 28(1)(b) of the Act is not before us and is left undisturbed. The claimant is eligible for benefits under Section 28(1)(b) of the Act for the entirety of the involved claim, benefit year beginning date March 22, 2020, and is not subject to restitution under Section 62(a) of the Act.

IT IS THEREFORE ORDERED that the ALJ's decision is MODIFIED.


The claimant is eligible for benefits under the identity eligibility provision of the Act, Section 28(1)(b), for the entirety of the claim, benefit year beginning date March 22, 2020.

The claimant is not subject to restitution under Section 62(a) of the Act.


¹ In contrast, for issues related to a claimant's ability and availability to work, eligibility under Section 28(1)(c), may and often does vary week by week.

The claimant may receive benefits if otherwise eligible and qualified.

This matter is referred to the Agency for action consistent with this decision.



Neal A. Young Commissioner



William J. Runco Commissioner



Lester A. Owczarski Commissioner

MAILED AT LANSING, MICHIGAN June 18, 2021

This decision shall be final unless EITHER (1) the Unemployment Insurance Appeals Commission RECEIVES a written request for rehearing on or before the deadline, OR (2) the appropriate circuit court RECEIVES an appeal on or before the deadline. The deadline is:

TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME. July 19, 2021

