

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SALLY J UNTIEDT
11324 – 140TH ST LT 138
DAVENPORT IA 52801

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-06599-DT
OC: 03/06/05 R: 04
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)(g) – Filing Weekly Claims (Retroactive Benefits)

STATEMENT OF THE CASE:

Sally J. Untiedt (claimant) appealed a representative's June 15, 2005 decision (reference 02) that denied her request for retroactive benefits for the weeks between May 15, 2005 and June 4, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 13, 2005. The claimant participated in the hearing. Administrative notice was taken of the contents of the administrative file. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant filed an on-line claim for unemployment insurance benefits effective March 6, 2005. The claimant filled weekly claims without incident through the week ending May 14, 2005. The week ending May 21, 2005, the claimant attempted to file a weekly claim using a cellular phone; the claim did not go through, although she did not realize it at the time. The week ending May 28, 2005, the claimant attempted to file a weekly claim using a landline but a cordless phone; she thought the claim went through, but it did not. For the week ending June 4, 2005, the claimant did not attempt to file a weekly claim until Monday, June 6, 2005; since the claim was late, the system would not allow the claim to go through. She then contacted the Agency and learned that she could not make weekly claims using a cellular phone. She reopened her claim and resumed properly filing weekly claims the week ending June 11, 2005.

For the weeks ending May 21 and May 28, 2005, the claimant, who is authorized for a resume work search, did transmit the requisite job applications, despite the fact that apparently some of the intended recipients of those applications had not received them or were not aware of them as of June 14, 2005. For the week ending June 4, 2005, the claimant was otherwise occupied due to some serious family health issues; her work search record indicates that she did not make any job contacts that week.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant should receive retroactive benefits for the three weeks ending May 21, May 28, and June 4, 2005.

Agency rule 871 IAC 24.2(1)g establishes the criteria for filing weekly claims for benefits. The rule provides for retroactive benefits if good cause is shown. The claimant has established that she attempted unsuccessfully to use the call-in procedure in a timely matter for the weeks ending May 21 and May 28, 2005, and that she conducted an active work search during those two weeks. The claimant has established reasonable cause for her delay in properly filing those two weekly claims. Her request for retroactive benefits for the weeks ending May 21, 2005 and May 28, 2005, is granted. For the week ending June 4, 2005, due to personal circumstances, the claimant did not timely attempt to file a weekly claim and did not make the requisite work search contacts. Her request for retroactive benefits for the week ending June 4, 2005 is denied.

DECISION:

The representative's June 15, 2005 decision (reference 02) is modified in favor of the claimant. The claimant is entitled to retroactive benefits for the two weeks ending May 21 and May 28, 2005; if she is otherwise eligible. Retroactive benefits for the week ending June 4, 2005 are denied.

ld/sc