

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICK L SHEPPARD
Claimant

APPEAL 18A-UI-00219-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/16/17
Claimant: Appellant (4)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 29, 2017, (reference 05), unemployment insurance decision that denied claimant's request to backdate the claim for benefits prior to December 24, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on January 30, 2018. Claimant participated. Claimant provided information indicating that the administrative rules regarding retroactive benefits, rather than those involving backdating, would be more applicable to his situation and therefore waived notice on the issue of retroactive benefits.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending December 23, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective July 16, 2017. Claimant was temporarily laid off work on Thursday, December 14, 2017 and immediately reopened his claim for benefits for the week beginning December 10, 2017. Claimant did not file a weekly continued claim by online web application for the week of December 10, 2017, as he had been paid for the majority of the work week. The deadline to file a claim for that week was Friday, December 22, 2017, at 5:30 p.m. On Sunday, December 24, 2017, claimant attempted to file his weekly continued claim for the week ending December 23, 2017, but the system would not allow him to do so. Claimant spoke with someone on the Iowa Workforce Development customer service line sometime the week of December 24 and was informed that his claim needed to be reopened because he did not file a weekly claim the prior week. Claimant was then able to reopen his claim for the week beginning December 24, 2017. Claimant did not earn any wages or receive any vacation or holiday pay during the one week ending December 23, 2017. Claimant was aware he was required to file a continued claim for each week he was seeking benefits, but was not aware his claim would close if he missed only one weekly filing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted in part and denied in part.

Iowa Code section 96.6(1) provides:

96.6 Filing — determination — appeal.

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

In order to be eligible for weekly benefits, the claimant must file an online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. Iowa Admin. Code r. 871-24.2(1)g.

The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again. Any employment during the break must be reported.

The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week’s claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don’t receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the December 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

In this case, claimant was aware he needed to file a weekly claim each week he was seeking benefits. Claimant reopened his claim for benefits the week of December 10, 2017, when he was temporarily laid off work. Claimant did not file a weekly continued claim during the one week ending December 16, 2017, because he had worked a majority of the week. Claimant attempted to timely file his weekly claim the next week. Claimant was unable to because the claim closed after one week of failing to file a continued weekly claim.

Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for claimant to reopen the claim in order

to file a continued weekly claim for the week ending December 23, 2017. The claim did not close until the deadline to make a weekly claim filing—December 22, 2017, at 5:30 p.m. However, claimant only had until December 22, 2017, at 4:30 p.m. to reopen the claim. In other words, there was no closed claim for claimant to reopen. There is nothing claimant could have done to prevent the second missed weekly claim filing.

Claimant has shown a good cause reason for failing to file his weekly continued claim for the one week ending December 23, 2017. Therefore, claimant's request for retroactive benefits for the one week ending December 23, 2017, is allowed.

DECISION:

The December 29, 2017, (reference 05) unemployment insurance decision is modified in favor of appellant. The claimant's request for retroactive benefits is granted for the one week ending December 23, 2017.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs