

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ANDREA I KJOS
Claimant

APPEAL NO: 11A-UI-09763-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/05/11
Claimant: Appellant (2)

871 IAC 24.2(1)g – Retroactive Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 15, 2011 determination (reference 01) that denied her request for retroactive benefits for June 12 through July 9, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concluded the claimant's request for retroactive benefits is granted.

ISSUE:

Should the claimant's request for retroactive benefits for June 12 through July 9, 2011, be granted?

FINDINGS OF FACT:

The claimant went to her local Workforce office and established a claim for benefits during the week of June 5, 2011. The representative told the claimant to start calling in her weekly claims that week even though it would take time to process her claim. The claimant filed a claim for the week ending June 11 as she had been told to do.

The next week, this representative contacted the claimant to tell her the State office told the representative the claimant was not monetarily eligible to receive benefits. Even though the claimant had worked for a Federal employer until May 27, 2010, these wages did not show up on the computer. The claimant waited to file a claim because she had been injured at work and was not able to work until early June 2011. The claimant understood that the Department could look at the wages she had earned from her current employer, a school, but the claimant did not want her current school employer charged. Based on the conversation she had with the representative, the claimant understood she was not eligible to receive benefits and did not file weekly claims for the weeks ending June 18 through July 9, 2011.

The claimant received notice of her monetarily eligibility that was mailed to her on June 30. This document indicated she had twice as much money in her base period than what had been shown on the representative's computer screen in early June. The discrepancy in the amount did not make sense to the claimant. The week of July 3, she contacted a case worker, who

advised her to start filing weekly claims and request retroactive benefits. The claimant reopened her claim the week of July 10, 2011.

REASONING AND CONCLUSIONS OF LAW:

When a claimant submits a claim by voice mail response, the claimant must call in on a weekly basis not earlier than noon of the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period. 871 IAC 24.2(1). The claimant established good cause for failing to call in or file weekly claims for the weeks ending June 18 through July 9, 2011. Since the claimant had federal wages, the representative should have told the claimant to continue filing weekly claims until she received the monetary determination that was mailed to her on June 30. Until the federal employer provided the claimant's wage information, her claim would be put on hold. The claimant relied on the representative's characterization that she was not monetarily eligible to receive benefits. This was based on wages reported from January 1 through December 31, 2010. Under the facts of this case, the claimant is eligible to receive retroactive benefits for the weeks ending June 18 through July 9, 2011.

DECISION:

The representative's July 15, 2011 determination (reference 01) is reversed. The claimant's request for retroactive benefits for the weeks ending June 18 through July 9, 2011, is granted.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs