

**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**

**ED A SIEVERS  
1420 PARKVIEW DR  
MARION IA 52302**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**Appeal Number: 04A-UI-00850-CT  
OC: 11/09/03 R: 03  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 871IAC24.2(1)g – Filing Weekly Claims

STATEMENT OF THE CASE:

Ed Sievers filed an appeal from a representative's decision dated January 21, 2004, reference 01, which denied his request for retroactive benefits. After due notice was issued, a hearing was held by telephone on February 18, 2004. Mr. Sievers participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Sievers filed a claim for job insurance benefits effective November 9, 2003. He knew from having filed a claim in the past that he had to report on his

claim each week by telephone. This requirement was restated to him after his third week of unemployment on his current claim. Mr. Sievers did not call the voice response unit for the eight weeks ending January 3, 2004. He did not call during these weeks because his home telephone had been disconnected. He did not attempt to call the "800" number from a pay telephone.

In his statement given to Workforce Development on January 15, 2004, Mr. Sievers indicated he had not made his weekly calls because he did not have home telephone service. In his letter of appeal, he gave this same reason for not making the calls. He did not on either occasion allege that his failure to make the calls was due to the fact that he did not know he had to call in weekly.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Sievers has presented sufficient justification to warrant allowing retroactive benefits. The administrative law judge is satisfied that he knew he had to call on his claim weekly based on his prior experience in collecting benefits. Even if he did not know this when he initially filed in November of 2003, he knew by his third week of unemployment that he had to call in order to receive benefits for each week. Moreover, in his fact-finding statement and letter of appeal, he indicated that the reason he did not call was because his home telephone was disconnected. He did not allege that he failed to call because he did not know he had to.

Mr. Sievers has failed to establish good cause for not making his calls weekly as required. Although he did not have a home telephone, he could have gone to a pay telephone to call the "800" number at no charge. If he was able to go out and make in-person job contacts during this time, he could have gone to a pay telephone once a week to call in his claim. The administrative law judge does not believe he was told he could file weekly claims by simply leaving a list of his job contacts at the local office on a weekly basis.

After considering all of the evidence, the administrative law judge concludes that Mr. Sievers has failed to establish good cause for not filing weekly claims for the eight weeks ending January 3, 2004. Therefore, his request for retroactive benefits is denied.

#### DECISION:

The representative's decision dated January 21, 2004, reference 01, is hereby affirmed. Mr. Sievers has failed to establish good cause to grant retroactive benefits for the eight weeks ending January 3, 2004.

cfc/kjf