

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBORAH S TRAVIS
Claimant

APPEAL 18A-UI-00167-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/19/17
Claimant: Appellant (2)**

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 28, 2017, (reference 02), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for January 29, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective November 19, 2017. Claimant requested retroactive benefits for the two-week period ending December 23, 2017. Claimant successfully filed her weekly continued claims for the first three weeks (the three week period ending December 9, 2017).

On Sunday, December 17, 2017, claimant attempted to file her weekly continued claim for the week-ending December 16, 2017, like she had the three previous weeks. Claimant testified she hit the submit button on December 17, 2017. Claimant testified she does not recall receiving a confirmation notice after she hit the submit button on December 17, 2017. Claimant did not recall receiving a confirmation notice the first three weeks she filed for benefits. The deadline to file a weekly continued claim for the week-ending December 16, 2017 was Friday, December 22, 2017 at 5:30 p.m.

On Sunday, December 24, 2017, claimant attempted to file her weekly continued claim for the week-ending December 23, 2017, but she was unable to because her claim was locked due to a break in reporting. Because claimant did not successfully file her weekly continued claim for one week (the week ending December 16, 2017), her account had locked and she was unable to file a weekly continued claim for the one week ending December 23, 2017. On December 26, 2017, claimant went to her local Iowa Workforce (IWD) office in Spencer. The IWD employee

helped claimant reactivated her claim. The IWD employee also processed claimant's request for retroactive benefits. The IWD employee informed claimant that there is a confirmation notice after she submits her weekly continued claim. Since December 26, 2017, claimant has successfully filed her weekly continued claims and she has received the confirmation notice.

For the week-ending December 16, 2017, claimant did not earn any wages, was able to and available for work, and made at least two employer contacts. For the week-ending December 23, 2017, claimant did not earn any wages, was able to and available for work, and made at least two employer contacts.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.6(1) provides:

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

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following 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.

(2) An individual claiming benefits using the weekly continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

(3) The individual shall set forth the following:

1. That the individual continues the claim for benefits;
2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, was able to work and available for work;
3. That the individual indicates the number of employers contacted for work;

4. That the individual knows the law provides penalties for false statements in connection with the claim;
5. That the individual has reported any job offer received during the period covered by the claim;
6. Other information required by the department

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like "original claim" (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a "weekly continued claim" (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week. If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

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. On Sunday, December 17, 2017, claimant attempted to file her weekly continued claim for benefits by online web application for the week-ending December 16, 2017. Claimant thought she filed her weekly continued claim successfully; however, there was an error and her weekly continued claim was not successfully filed. Claimant did not recall receiving a confirmation notice on December 17, 2017; however, she testified she did not recall receiving confirmation notices the first three weeks she did successfully file her weekly claims. Claimant attempted to file her weekly claim for the week-ending December 16, 2017 like she had successfully done the three previous weeks. Claimant's belief that she had successfully filed her weekly continued claim like she had the previous three weeks was reasonable and is considered a good reasons for the delay in filing the weekly online web application continued claim. Claimant's request for retroactive benefits for the week-ending December 16, 2017 is granted.

It is noted that claimant's deadline to file her weekly continued claim for the week-ending December 16, 2017 was Friday, December 22, 2017 at 5:30 p.m. Because claimant failed to file her weekly continued claim by this deadline, her claim was locked. Claimant did not become aware her claim was locked until Sunday, December 24, 2017, when she attempted to file her weekly continued claim for the week-ending December 23, 2017. Claimant was unsuccessful in filing her weekly continued claim for the week-ending December 23, 2017 because her claim had locked due to the break in reporting. In order for claimant to have been able to successfully file her weekly continued claim for the week-ending December 23, 2017, she would have had to reactivate her claim by December 22, 2017 at 4:30 p.m. However, because claimant's claim was not yet locked on December 22, 2017 at 4:30 p.m. (claimant's claim did not lock until 5:30 p.m. on December 22, 2017), it was impossible for her to reactive her claim because there was no locked claim for her to reactivate. Therefore, claimant has shown a good cause reason for failing to file her weekly continued claim for the one week ending December 23, 2017. Claimant's request for retroactive benefits for the one week ending December 23, 2017 is granted.

For the reasons stated above, claimant's request for retroactive benefits for the two-week period ending December 23, 2017 is granted.

DECISION:

The December 28, 2017, (reference 02) unemployment insurance decision is reversed. Claimant's request for retroactive benefits for the two-week period ending December 23, 2017 is granted.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs