

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHARLES D DUTHLER**  
Claimant

**APPEAL 17A-UI-04870-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/19/17  
Claimant: Appellant (2)**

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871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 3, 2017, (reference 01), decision that denied the request for retroactive benefits without having held a fact-finding interview pursuant to 871 IAC 24.9(2)b. After due notice was issued, a telephone conference hearing was held on May 25, 2017. Claimant participated. Claimant's Exhibit A was entered and received into the record.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the six-week period ending April 29, 2017?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed a claim effective March 19, 2017. His former employer did not protest his unemployment insurance benefits, thus he was never scheduled for or participated in a fact-finding interview where he might have learned of the weekly claim requirement. When making his original claim for benefits, he requested a handbook be mailed to him, but he did not receive one. This claim with an effective date of March 19, 2017 is the first unemployment claim the claimant has ever had. He received his monetary record, "green sheet" and read the document. Nowhere on the monetary record are employees given instructions that they are required to make making weekly continued claims. The claimant was waiting for the agency to make a direct deposit into his account and believed the process could take some weeks. When he did contact the agency on May 1, is the first time he learned of the obligation to make a weekly continuing claim for benefits. Claimant made appropriate work searches and was available for work during the period in question.

**REASONING AND CONCLUSIONS OF LAW:**

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

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 voice response continued claim or claimed benefits as otherwise directed by the department. The weekly voice response continued claim shall be transmitted 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.

The claimant has established that he was not given adequate notice when filing his first claim for benefits that he was required to make weekly continuing claims. Under these circumstances, retroactive benefits are appropriate and allowed.

**DECISION:**

The May 3, 2017, (reference 01) decision is reversed. The claimant's request for retroactive benefits for the six week period ending April 29, 2017 is granted.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs