

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOEL M MILLER**  
Claimant

**APPEAL NO. 08A-UI-11411-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/28/08 R: 02**  
**Claimant: Appellant (1)**

871 IAC 24.2(1) g – Retroactive Benefits

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 2, 2008, reference 04, which denied claimant's request for retroactive benefits. After due notice, a telephone conference hearing was scheduled for and held on December 17, 2008. Claimant participated personally.

**ISSUE:**

The issue in this matter is whether retroactive benefits should be allowed.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim for benefits with an effective date of September 28, 2008. Claimant asserts that benefits should be allowed retroactive September 28, 2008 through November 22, 2008. Claimant consulted with a Workforce Development representative during the week of September 28, 2008 and was informed he would receive a letter with instructions on how to call in his job contacts. The letter never arrived. Claimant relied on his own judgment for the eight weeks ending November 22, 2008 when failing to call in his job contacts. Claimant was caught up in a family emergency and did not contact Workforce Development in a timely manner to seek instructions for calling in.

**REASONING AND CONCLUSIONS OF LAW:**

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

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed

not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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.

Claimant is at fault for the eight weeks ending November 22, 2008 because claimant failed to exercise diligence in reporting his job contacts. Claimant knew he needed to report the job contacts but failed to do so. Claimant failed to promptly contact the Workforce office to inquire as to the letter that was not received. Delaying the contact for eight weeks is not reasonable. Benefits withheld.

**DECISION:**

The decision of the representative dated December 2, 2008, reference 04, is affirmed. Claimant's request for retroactive benefits is denied for the time period September 28, 2008 through November 22, 2008. Claimant's request for retroactive benefits is denied.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css