

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOHN S GOEBEL**  
Claimant

**APPEAL 18A-UI-03938-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/25/18  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 22, 2018, (reference 04) unemployment insurance decision that denied retroactive benefits. The claimant was properly notified about the hearing. A telephone hearing was held on April 23, 2018. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the two-week period ending March 17, 2018?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective February 25, 2018. He did not file continued claims by online web application for the two-week period ending March 17, 2018. The claimant did not file a weekly continued claim for the week ending March 10, 2018 because he received a letter stating his eligibility was being contested. During a subsequent fact-finding interview, the claimant learned from the Workforce Advisor that he should have filed during the period that eligibility was being contested. On March 21, 2018, the claimant contacted Iowa Workforce Development (IWD) and was assisted in reopening the claim.

When the claimant established a claim for benefits, he agreed to read an online or hard copy of the *Unemployment Insurance Benefits Handbook*. The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

### **Filing Weekly Claims**

#### **How to File**

After you file your initial claim, file weekly claims online at [iowaworkforcedevelopment.gov](http://iowaworkforcedevelopment.gov) for every week you are unemployed or your hours are reduced. **You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.** (Emphasis added)

The claimant did not earn any wages or receive any vacation or holiday pay during the two week period ending March 17, 2018. He was able to and available for work.

### **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.6(1) provides:

#### **96.6 Filing — determination — appeal.**

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

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.

The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

#### **Claim Effective Date**

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

#### **Reactivating a Claim**

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again. Any employment during the break must be reported.

Elsewhere in the December 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

#### **File a Claim**

Hours: Sunday through Friday, 8:00 am to 4:30 pm  
[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)  
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

#### **Weekly Claim Reporting**

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm  
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

The credible evidence presented does not support the claimant filing or making attempts to file his weekly continued claim for the week ending March 10, 2018. The claimant had no available details about filing the claim for the week, or confirmation of a successful claim. Therefore, the administrative law judge concludes the claimant has failed to establish a good cause reason for failing to file his continued weekly claim for the one week ending March 10, 2018.

However, the claimant attempted to timely file his weekly claim in the next week when he contacted IWD on March 21, 2018 for assistance in filing his weekly continued claim for the week ending March 17, 2018. The claimant was still within the prescribed period to complete his weekly continued claim, had it not closed inadvertently the week prior due to inactivity.

The administrative law judge would note that the new April 2018 version of the *Unemployment Insurance Benefits Handbook* has added new language, including:

If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if 1 week is not filed timely.

This version of the handbook was not available at the time of the claimant's request for retroactive benefits.

Based on the evidence presented, the claimant has shown a good cause reason for failing to file his weekly continued claim for the one week ending March 17, 2018. Therefore, the claimant's request for retroactive benefits for the one week ending March 17, 2018, is allowed, provided the claimant is otherwise eligible.

**DECISION:**

The March 22 2018, (reference 04) unemployment insurance decision is modified in favor of claimant/appellant. The claimant's request for retroactive benefits is granted for the one week ending March 17, 2018, and denied for the one week ending March 10, 2018.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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