

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUSTY L NOLAND
Claimant

APPEAL 18A-UI-01554-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/07/18
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 30, 2018, (reference 01), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for February 27, 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 January 20, 2018?

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 January 7, 2018. Claimant only requested retroactive benefits for the one-week period ending January 20, 2018.

Claimant worked 40 hours during the week-ending January 13, 2018 and was paid a gross amount of \$735.00. On January 12, 2018, claimant's employer told him to sign up for unemployment benefits because he was being placed on a seasonal layoff. On January 12, 2018, claimant went to his local Iowa Workforce Development (IWD) office in Mason City, Iowa and opened a claim for benefits with an effective date of January 7, 2018. An IWD employee informed claimant that he did not need to file a weekly continued claim for the week-ending January 13, 2018, since he had earned wages. Claimant did not file a weekly continued claim for the week-ending January 13, 2018. The deadline to file a claim for that week was Friday, January 19, 2018 at 5:30 p.m.

On Sunday, January 21, 2018, claimant attempted to file his weekly continued claim by online web application for the week-ending January 20, 2018, but he was unsuccessful because his claim was locked due to a break in reporting. On Monday, January 22, 2018, claimant went back to his local IWD office. Claimant then reactivated his claim with an additional claim date effective January 21, 2018. Claimant has filed weekly continued claims and has received

regular weekly benefits since his claim was reactivated with an additional claim date effective January 21, 2018.

For the week-ending January 13, 2018, claimant earned \$735.00 in wages and worked 40 hours. For the week-ending January 20, 2018, claimant did not earn any wages, but was able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's request for retroactive benefits is granted for the one-week ending January 20, 2018, and denied for the one-week ending January 13, 2018.

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

The 2017-2018 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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

The 2017-2018 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 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.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above

for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the 2017-2018 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
<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/>

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. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

For the week-ending January 13, 2018: For the week-ending January 13, 2018, claimant worked full-time and was paid a gross amount of \$735.00. On January 12, 2018, claimant opened his claim for benefits and was informed he did not need to file a weekly continued claim for the week-ending January 13, 2018 since he earned wages. Claimant did not file a claim for the week-ending January 13, 2018. Claimant testified he is not requesting retroactive benefits for the week-ending January 13, 2018. Claimant's request for retroactive benefits for the one-week ending January 13, 2018 is denied.

For the week-ending January 20, 2018: When claimant opened his claim for benefits on January 12, 2018, an IWD employee instructed him that he did not need to file his weekly claim for the week-ending January 13, 2018 because he had earned wages that week. The IWD employee did not instruct claimant that if he failed to file a weekly continued claim for the week-ending January 13, 2018, his claim would lock due to a break in reporting. Claimant did not file a weekly continued claim for the week-ending January 13, 2018. It is noted that claimant's deadline to file his weekly continued claim for the week-ending January 13, 2018 was Friday, January 19, 2018 at 5:30 p.m. Because claimant failed to file his weekly continued claim by this deadline, his claim locked. Claimant did not become aware his claim was locked until Sunday, January 21, 2018, when he attempted to file his weekly continued claim for the week-ending January 20, 2018. Claimant was unsuccessful in filing his weekly continued claim for the week-ending January 20, 2018 because his claim had locked due to the break in reporting. In order for claimant to have been able to successfully file his weekly continued claim for the week-ending January 20, 2018, he would have had to reactivate his claim by January 19, 2018 at 4:30 p.m. However, because claimant's claim was not yet locked on January 19, 2018 at 4:30 p.m. (claimant's claim did not lock until 5:30 p.m. on January 19, 2018), it was impossible for him to reactivate his claim because there was no locked claim for him to reactivate. Therefore,

claimant has shown a good cause reason for failing to file his weekly continued claim for the week-ending January 20, 2018. Claimant's request for retroactive benefits for the one-week ending January 20, 2018 is granted.

DECISION:

The January 30, 2018, (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant's request for retroactive benefits is granted for the one-week ending January 20, 2018, and denied for the one-week ending January 13, 2018.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs