

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERRIN J SHARP
Claimant

APPEAL 16A-UI-13729-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/24/16
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 21, 2016, (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 25, 2017. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending December 17, 2016?

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 July 24, 2016. Claimant requested retroactive benefits for the three week period from November 27, 2016 until December 17, 2016.

For the week ending December 3, 2016, claimant testified she filed a claim for benefits on December 7, 2016, via the internet using her cellphone. Claimant received a confirmation screen that she had successfully filed her claim. For the week ending December 10, 2016, claimant testified she is reasonably certain she filed her weekly claim on December 12 or 13, 2016. For the week ending December 17, 2016, claimant attempted to file her weekly claim for benefits on December 17, 2016, but received a message that her claim was on a hold status. On December 20, 2016, claimant contacted Iowa Workforce Development (IWD). The IWD employee told claimant that other people were having problems filing claims with smart phones. The IWD employee told claimant that the employee would get back to her about her claim. Claimant did not hear back from the IWD employee, so she contacted IWD on December 22, 2016. On December 22, 2016, claimant was told by a different IWD employee to reopen her claim and call IWD back with the confirmation number. Claimant followed the instructions and called IWD back with the confirmation number. Claimant then received a decision that her request for retroactive benefits was denied.

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 § 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.

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.

In order to be eligible for weekly benefits, the claimant must file a VRU or online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. For the week ending December 3, 2016, claimant testified she filed a claim for benefits on December 7, 2016 and she received a confirmation screen that she successfully filed her claim. Claimant testified she reasonably believes she filed her weekly claim for benefits for the week ending December 10, 2016. Claimant did not discover there was an issue in her weekly continued claims filing until she tried to file her weekly claim for benefits for the week ending December 17, 2016 on December 17, 2016. On December 17, 2016, claimant discovered her claim status was on hold. Claimant then contacted IWD to resolve the issue on December 20, 2016.

Since claimant believed she had made her appropriate weekly continued claims through her cellphone and the online web application response indicated she had successfully filed her claim for the week ending December 3, 2016, retroactive benefits are granted for the three week period ending December 17, 2016, provided she is otherwise eligible.

DECISION:

The December 21, 2016, (reference 02) unemployment insurance decision is reversed. Claimant's request for retroactive benefits is granted.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs