

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIELLE L FRANCK
Claimant

APPEAL 16A-UI-08575-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/26/16
Claimant: Appellant (2)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Danielle L. Franck (claimant) filed an appeal from the August 2, 2016, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for August 24, 2016. The claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the five-week period ending July 30, 2016?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective June 26, 2016. She did not file continued claims by voice response unit (VRU) or online web application for the one-week period ending July 2, 2016 because she forgot to make the claim. On July 5, 2016, the claimant contacted Iowa Workforce Development (IWD) to ask if she could still file her claim even though it would be three days the late. The person she spoke to said it was allowed and told the claimant this would be considered her weekly continued claim for benefits. The claimant was only laid off for one week and is only seeking benefits through week ending July 2, 2016.

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 Code § 96.6(1) provides:

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 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. Iowa Admin. Code r. 871-24.2(1)g. The claimant attempted to file her weekly claim for benefits within a timely manner. She was told by the IWD employee she would not need to do anything further. Incorrect information from an IWD employee is considered good cause to support a request for retroactive benefits. Retroactive benefits for week ending July 2, 2016 are allowed.

DECISION:

The August 2, 2016, (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits for the one-week period ending July 2, 2016 is granted.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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