

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DERRICK M ZERBA
Claimant

APPEAL NO. 09A-UI-11875-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 04/19/09
Claimant: Appellant (1)**

871 IAC 24.2(1)(g) – Retroactive Benefits

STATEMENT OF THE CASE:

Derrick Zerba filed a timely appeal from the August 10, 2009, reference 01, decision that denied his request for retroactive benefits. After due notice was issued, a hearing was held on September 2, 2009. Mr. Zerba participated. The administrative law judge took official notice of the Agency's administrative records concerning benefits disbursed to Mr. Zerba and his weekly reports to the Agency to continue his claim for benefits. Exhibit A was received into evidence.

ISSUE:

Whether there is good cause to grant retroactive benefits for any week during the period of April 19, 2009 through August 7, 2009.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Derrick Zerba established a claim for unemployment insurance benefits that was effective April 19, 2009. Mr. Zerba applied for benefits via the internet. Mr. Zerba attempted, but did not succeed at making his weekly report via the voice response reporting system for the week that ended April 25, 2009. Mr. Zerba returned to work the next week. Mr. Zerba did not make further contact with Workforce Development until the week that ended August 8, 2009. Mr. Zerba then continued his claim for three weeks. Workforce Development had provided Mr. Zerba with appropriate instructions concerning how to continue his claim for benefits from week to week. Mr. Zerba had established an earlier claim for benefits that was effective April 1, 2007 and went through the proper weekly reporting procedure at that time to continue the claim for two weeks.

REASONING AND CONCLUSIONS OF LAW:

Administrative Code rule 871 IAC 24.2(1)(g) provides as follows:

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.

An individual claiming benefits using the weekly voice 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.

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 unemployed, earned no 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.

Though the August 10, 2009, reference 01, decision references a request for retroactive benefits for the period of April 19, 2009 through August 1, 2009, Mr. Zerba clarified during the hearing that he was inquiring only about benefits for the week that ended April 25, 2009; Mr. Zerba added that he returned to work the following week.

The evidence indicates that M. Zerba failed to complete the necessary weekly claims report to claim benefits for the week ending April 25, 2009. Mr. Zerba then unreasonably delayed taking further action on the matter until August 2009. The administrative law judge concludes good cause does not exist for granting retroactive benefits for the week that ended April 25, 2009. To the extent that the administrative law judge needs to consider any later period, the administrative law judge concludes there is not good cause to award retroactive benefits for any week during the period of April 19, 2009 through August 7, 2009. Mr. Zerba's request for retroactive benefits is denied.

DECISION:

The Agency representative's August 10, 2009, reference 01, decision is affirmed. There is not good cause to award retroactive benefits for any week during the period of April 19, 2009 through August 7, 2009. The claimant's request for retroactive benefits is denied.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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