

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICTOR OGANJANOV**  
Claimant

**APPEAL NO. 13A-UI-01860-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/24/12  
Claimant: Appellant (2)**

871 IAC 24.2(1) g – Retroactive Benefits

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 4, 2013, reference 02, which denied claimant's request for retroactive benefits. After due notice, a telephone conference hearing was scheduled for and held on March 11, 2013. Claimant participated personally. Exhibit A was admitted into evidence.

**ISSUE:**

The issue in this matter is whether retroactive benefits should be allowed.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim for benefits with an effective date of June 24, 2012. Claimant asserts that benefits should be allowed retroactive July 8, 2012 through August 11, 2012. Claimant was concerned about receiving unemployment benefits from the state of Illinois. Claimant was given erroneous advice from Illinois workforce. Claimant consulted with a workforce development representative during the periods in question. Claimant was not told to file weekly claims in Iowa. Based on the erroneous advice claimant did not call in his job contacts for the five weeks ending August 11, 2012. Claimant did call in his claims for the three weeks ending September 1, 2012. Finally, claimant did not call in claims for the five weeks ending October 6, 2012.

**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.

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a

voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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.

Erroneous advice for a workforce development representative is considered a good cause reason for having failed to file a claim during the five weeks of unemployment ending August 11, 2012. Claimant is at fault for the five weeks ending October 6, 2012 because he demonstrated knowledge of the claims process by reporting for the three weeks ending September 1, 2012.

**DECISION:**

The decision of the representative dated February 4, 2013, reference 02, is reversed. Claimant's request for retroactive benefits is granted for the time period July 8, 2012 through August 11, 2012.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs