

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARC L HAMILTON
Claimant

APPEAL NO. 08A-UI-11694-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/12/08 R: 02
Claimant: Appellant (1)**

871 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Marc L. Hamilton filed a timely appeal from an unemployment insurance decision dated December 3, 2008, reference 01, that denied his request for retroactive benefits for the five weeks ending November 29, 2008. After due notice was issued, a telephone hearing was held December 23, 2008, with Mr. Hamilton participating.

ISSUE:

Has the claimant established good cause to allow retroactive benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Marc L. Hamilton filed a claim for unemployment insurance benefits during the week of October 12, 2008. For that week and for the next week, Mr. Hamilton made weekly claims for benefits through the voice response unit. Then, forgetting that he needed to file his claims weekly, he failed to do so for the next five weeks. In time, he reviewed the instructions he had received from the Agency and remembered that the claims were to be filed weekly, not monthly.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Hamilton has established good cause to be eligible for retroactive benefits. The administrative law judge concludes that he has not.

According to 871 IAC 24.2(1)g, weekly claims for benefits are to be filed from noon of the Saturday of the weekly reporting period through the close of business of the Friday of the following week. The evidence establishes that Mr. Hamilton received those instructions and followed them for two weeks. He has not established any medical reason for his memory lapse, and he has not asserted that he received misinformation from the Agency or anyone else. The administrative law judge concludes that good cause for the delay has not been established.

This does not mean that Mr. Hamilton can never receive the benefits that would have been paid for those weeks. The benefits he might have received are not lost but are deferred to future weeks in his benefit year if he remains unemployed.

DECISION:

The unemployment insurance decision dated December 3, 2008, reference 01, is affirmed. The claimant is not entitled to receive retroactive benefits for the five weeks ending November 29, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw