

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRICE M GATHERCOLE
Claimant

APPEAL 17A-UI-03611-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/17/16
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 24, 2017, (reference 02) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for April 27, 2017. Claimant participated. Claimant's Exhibit A was received.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the five-week period ending July 16, 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 April 17, 2016, with a reopened claim on July 17, 2016. He did not file continued claims by voice response unit (VRU) or online web application for the five-week period ending July 16, 2016, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until March 22, 2017.

In 2014, a decision was entered finding claimant overpaid benefits due to inaccurate reporting of wages. As a result, claimant has been in contact with an agency investigator. On June 23, 2016, the claimant asked the investigator for advice on filing a weekly claim when there had been a gap in reporting. The investigator instructed the claimant to file a new claim, request backdating, and to contact customer service. Claimant filed a new claim on July 17, 2016, but never contacted customer service to request the additional claim be backdated and/or for retroactive benefits. Claimant did not follow up with the agency to see why the benefits had not been paid. Claimant did not inquire about retroactive benefits until he received a billing statement for the overpayment amount in March 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is denied.

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.

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.

In this case, claimant did not file a weekly continued claim for benefits for five weeks. Although claimant sought advice from the agency, he only followed the advice in part. Although claimant asserts he called customer service and requested the additional claim be backdated in June 2016, I do not find this testimony to be credible. Had claimant requested backdating or retroactive benefits from a customer service representative, a decision would have been issued. No decision was issued until claimant made the request in March 2017. Additionally, claimant made no attempt to follow up with the agency to learn why the benefits had not been paid until receiving a billing statement many months later. Claimant has failed to show a good cause reason for the delay in seeking retroactive benefits. The request must be denied.

DECISION:

The March 24, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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Decision Dated and Mailed

cal/rvs