

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

LINDA L CHAPMAN  
12733 SEIPPEL RD  
DUBUQUE IA 52002

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-09244-SWT  
OC: 06/13/04 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.2(1)g - Retroactive Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 23, 2004, reference 01, that denied the claimant's request for retroactive benefits. A telephone hearing was held on September 21, 2004. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant was temporarily laid off her job at Carlisle Communication on June 11, 2004. She filed a new claim for unemployment insurance benefits over the internet during the week of June 13, 2004. The claimant was instructed that she was required to file weekly claims for unemployment insurance benefits using the telephone voice response system to receive

benefits. The claimant did not call the telephone voice response system to file a weekly claim for the weeks ending June 19, June 26, and July 3, 2004, because she mistakenly believed that she was not required to call in weekly because she was temporarily unemployment insurance benefits and not required to look for work.

After the claimant was not paid for the above weeks, she called the Dubuque Workforce Development Center on July 7, 2004, and reopened her claim effective July 4, 2004. She filed weekly claims and began receiving benefits starting the week ending July 10, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for unemployment insurance benefits for the weeks ending June 19, June 26, and July 3, 2004.

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.

The claimant has not establish any reasonable cause for her delay in filing her weekly claims. Reasonable cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

#### DECISION:

The unemployment insurance decision dated August 23, 2004, reference 01, is affirmed. The claimant is not eligible for retroactive benefits for the June 19, June 26, and July 3, 2004.

saw/tjc