

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHAD T WEST
Claimant

APPEAL 18R-UI-04361-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/29/17
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 30, 2018, (reference 04), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for April 25, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the five-week period ending December 2, 2017?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective October 29, 2017. Claimant requested retroactive benefits for the five-week period ending December 2, 2017.

Around November 2, 2017 or November 3, 2017, claimant opened his claim for benefits at Iowa Workforce Development (IWD). After claimant opened his claim for benefits, he was not aware that he had to file a weekly continued claim to receive unemployment insurance benefits. Claimant testified he thought he had to wait until after his fact-finding interview before he could file a claim for benefits. Claimant did not file his weekly continued claims for benefits for the five-week period ending December 2, 2017.

Sometime between December 2, 2017 and December 5, 2017, claimant called IWD. Claimant told the IWD employee that he had been separated from employment for approximately five weeks and he had not collected any unemployment insurance benefits. The IWD employee told claimant he had to file a weekly continued claims to receive unemployment insurance benefits. The IWD employee also told claimant he would have to request retroactive benefits for the five-week period ending December 2, 2017. Claimant then successfully filed claim for benefits for the week-ending December 9, 2017. Around January 10, 2018, claimant contacted IWD and requested retroactive benefits.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following 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.

(2) An individual claiming benefits using the weekly 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.

(3) 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 fully or partially unemployed, earned no gross 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

The 2017-2018 version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The 2017-2018 version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the 2017-2018 version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

In order to be eligible for weekly benefits, the claimant must file an 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. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

The Unemployment Insurance Benefits Handbook informs claimants that they should call IWD customer service for help if they don't understand the information in the handbook. The Unemployment Insurance Benefits Handbook notifies claimants on page 19: "After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced." On page 19, the Unemployment Insurance Benefits Handbook specifically states: "You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending." If claimants do not file their weekly continued claims, IWD will not know if they are still seeking benefits. Although claimant properly initiated his claim with an effective date of October 29, 2017, he failed to file his weekly continued claims for the five-week period ending December 2, 2017. Furthermore, claimant waited until sometime between December 2, 2017 and December 5, 2017 before he contacted IWD about collecting unemployment insurance benefits. Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook is not considered a good reason for having failed to file weekly online web application continued claims for the five-week period ending December 2, 2017. Retroactive benefits are denied.

DECISION:

The January 30, 2018, (reference 04) unemployment insurance decision is affirmed. Claimant's request for retroactive benefits is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs