

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREW J SANDERS**  
Claimant

**APPEAL NO. 16A-UI-09940-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/31/16**  
**Claimant: Appellant (1)**

871 IAC 24.2(1)(e) & (g) – Retroactive Benefits

**STATEMENT OF THE CASE:**

Andrew Sanders filed a timely appeal from the September 7, 2016, reference 06, decision that denied his request for retroactive benefits for the two-week period of July 17, 2016 through July 30, 2016. After due notice was issued, a hearing was held on September 27, 2016. Mr. Sanders participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following agency administrative records: DBRO, KCCO, KFFV (the August 5, 2016 notice of the August 16, 2016 fact-finding interview), and the representative's documentation of contact with Mr. Sanders on September 6, 2016.

**ISSUE:**

Whether the claimant is eligible for retroactive benefits for the two-week period of July 17, 2016 through July 30, 2016.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Andrew Sanders established an original claim for benefits that was effective January 31, 2016. At the time Mr. Sanders made his initially application for benefits, he received instructions for filing week benefit claims and a warning that he must file a weekly claim in order to receive unemployment insurance benefits. At the time Mr. Sanders made his initial application for benefits, he acknowledged his obligation to read, know and follow the information contained in the Unemployment Insurance Handbook. The handbook contained information regarding the need to reactivate a lapsed claim during the week for which Mr. Sanders wished to re-commence receiving unemployment insurance benefits. Mr. Sanders did not read the Unemployment Insurance Handbook.

When Mr. Sanders established his original claim, he made weekly claims for the weeks that ended February 6 and 13, 2016. However, Mr. Sanders reported vacation pay for those weeks and did not receive any unemployment insurance benefits. Mr. Sanders discontinued his claim after the benefit week that ended February 13, 2016 because he had started a new, full-time

employment with Moorehead Communications, Inc. Because Mr. Sanders discontinued his weekly claims, his unemployment insurance claim lapsed. Because the claim lapsed, it would be necessary for Mr. Sanders to reactivate the claimant before he could re-commence making weekly claims. Mr. Sanders continued to work for Moorehead Communications until July 1, 2016.

After the separation from Moorehead Communications, Mr. Sanders attempted to file a weekly claim without first reactivating the underlying claim. When he did that, he encountered a message that indicated there had been a break in the claim. During the week of July 17-23, 2016, Mr. Sanders contacted a Workforce Development representative and learned that he needed to reactivate the claim. Mr. Moorehead took appropriate steps to reactivate his claim for benefits and established an additional claim for benefits that was deemed effective July 17, 2016. However, Mr. Moorehead did not thereafter follow up with making the required weekly claim for the week ending July 23, 2016 or the week ending July 30, 2016.

On August 5, 2016, Workforce Development mailed notice to Mr. Sanders to let him know about a fact-finding interview set for August 16, 2016 to address his separation from Moorehead Communications. The notice told Mr. Sanders to continue filing weekly claims. However, Mr. Sanders had already erroneously concluded that he could not file weekly claims while he waited for the fact-finding interview.

During the second week of August 2016, Mr. Sanders began a new employment. On August 17, 2016, Iowa Workforce Development mailed a copy of the August 17, 2016, reference 05, decision to Mr. Sanders. The decision allowed benefits in connection with the separation from Moorehead Communications, provided Mr. Sanders met all other eligibility requirements.

On September 6, 2016, Mr. Sanders contacted Iowa Workforce Development and spoke with an agency representative and requested retroactive benefits for the weeks that ended July 23, 2016 and July 30, 2016. During the call, Mr. Sanders provided weekly claim information for those weeks.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Administrative Code section 871 IAC 24.2(1)(e) and (g) provide as follows:

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

24.2(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:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

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

An individual claiming benefits using the weekly voice 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.

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 unemployed, earned no 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 weight of the evidence does not establish good cause to allow retroactive benefits for the weeks that ended July 23, 2016 and July 30, 2016. The evidence establishes that the problems Mr. Sanders encountered were attributable to Mr. Sanders not reviewing the Unemployment Insurance Handbook that he agreed to look at when he made his initial application for benefits back in February 2016. Because he had not read the handbook, he tried to make a weekly claim in July without first reactivating the claim. After he actually reactivated the claim and established an additional claim that was effective July 17, 2016, he then did not follow up by making weekly claims on that reactivated claim. Mr. Sanders then concluded he could not make weekly claims while he waited for a fact-finding interview, even the notice of the fact-finding interview instructed him to continue making weekly claims. Mr. Sanders then tabled the matter for a number of weeks. Sometime after he received the August 17, 2016, reference 05, decision, he returned to the matter and eventually spoke with a Workforce Development representative to request retroactive benefits and provide his weekly claim information for the weeks ending July 23 and 30, 2016. Because the administrative law judge concludes that the delay is attributable to Mr. Sanders, and not attributable to Workforce Development, the claim for retroactive benefits is denied.

**DECISION:**

The September 7, 2016, reference 06, decision is affirmed. Good cause does not exist to allow retroactive benefits for the weeks ending July 23, 2016 and July 30, 2016. The claimant's request for retroactive benefits for those weeks is denied.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs