

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RANDY L DRAKE**  
Claimant

**APPEAL 18A-UI-03675-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/04/18  
Claimant: Appellant (2R)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 20, 2018, (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 13, 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 two-week period ending March 17, 2018?

**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 March 4, 2018. Claimant requested retroactive benefits for the two-week period ending March 17, 2018.

Around March 9, 2018, claimant opened a claim for benefits online with an effective date of March 4, 2018. During the application process to open his claim, claimant indicated he received a payment for his unused vacation. Claimant misunderstood the question and thought the question was if he was going to receive payment for unused vacation. Claimant had not yet received a payment for unused vacation, but he was expecting to receive payment.

On Sunday, March 11, 2018, claimant attempted to file a weekly continued claim for the week-ending March 10, 2018. When claimant tried to file his weekly continued claim the system would not let claimant file his claim because it requested an amount of vacation pay. Claimant was unable to enter an amount because he had not yet received payment for his unused vacation. Claimant testified that a link popped-up and he sent an e-mail to Iowa Workforce Development (IWD) explaining that he had not yet received payment for his unused vacation and he did not know the amount he was going to receive. The deadline to file a claim for that week (the week-ending March 10, 2018) was Friday, March 16, 2018 at 5:30 p.m. Claimant testified that IWD did not respond to his e-mail.

On Sunday, March 18, 2018, claimant attempted to file his weekly continued claim, for the week-ending March 17, 2018. Claimant was unable to file his weekly continued claim his account was locked due to a break in reporting. On Monday, March 19, 2018, claimant called IWD. Claimant explained to the IWD employee what happened and he must have misunderstood the vacation pay question. The IWD employee reactivated claimant's claim with a reopen claim effective March 18, 2018.

For the week-ending March 10, 2018, claimant was able to and available for work and made at least two employer contacts. For the week-ending March 17, 2018, claimant was able to and available for work and made at least two employer contacts. Claimant testified he received approximately \$600.00 from the employer in wages and unused vacation.

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

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

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](http://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](http://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.

**For the week-ending March 10, 2018:** The Unemployment Insurance Benefits Handbook states: "You must file a weekly claim for any week that you want payment[.]" The Unemployment Insurance Benefits Handbook informs claimants on pages 19 and 20: "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." Therefore, claimant had from 8:00 a.m. on Sunday, March 11, 2018 until 5:30 p.m. on Friday, March 16, 2018 to file his weekly continued claim for the week-ending March 10, 2018. Claimant attempted to file his weekly continued claim on Sunday, March 11, 2018 but the system would not let him file his weekly continued claim unless he entered an amount of vacation pay that he had mistakenly indicated he had already received. Because claimant had not yet received payment from the employer for his unused vacation, he did not have an amount to enter and he could not file his weekly continued claim. Claimant testified that a link popped up and he sent IWD an e-mail on March 11, 2018 about the vacation pay issue, but he did not receive a response from IWD. Given claimant's unsuccessful attempt to file his weekly continued claim online and his attempt to resolve the issue by contacting IWD via e-mail, he has shown a good reasons for the delay in filing weekly online web application continued claim for the week-ending March 10, 2018. Claimant's request for retroactive benefits for the week-ending March 10, 2018 is granted.

**For the week-ending March 17, 2018:** It is noted that claimant's deadline to file his weekly continued claim for the week-ending March 10, 2018 was Friday, March 16, 2018 at 5:30 p.m. Because claimant failed to file his weekly continued claim by this deadline, his claim locked.

Claimant did not become aware his claim was locked until Sunday, March 18, 2018, when he attempted to file his weekly continued claim for the week-ending March 17, 2018. Claimant was unsuccessful in filing his weekly continued claim for the week-ending March 17, 2018 because his claim had locked due to the break in reporting. In order for claimant to have been able to successfully file his weekly continued claim for the week-ending March 17, 2018, he would have had to reactivate his claim by March 16, 2018 at 4:30 p.m. However, because claimant's claim was not yet locked on March 16, 2018 at 4:30 p.m. (claimant's claim did not lock until 5:30 p.m. on March 16, 2018), it was impossible for him to reactive his claim because there was no locked claim for him to reactivate. Therefore, claimant has shown a good cause reason for failing to file his weekly continued claim for the week-ending March 17, 2018. Claimant's request for retroactive benefits for the week-ending March 17, 2018 is granted.

Based on the above reasons, claimant's request for retroactive benefits for the two-week period ending March 17, 2018 is granted.

**DECISION:**

The March 20, 2018, (reference 02) unemployment insurance decision is reversed. Claimant's request for retroactive benefits is granted.

**REMAND:** The issue on whether the wages and vacation pay claimant received, as delineated in the findings of fact, should be deducted from any unemployment insurance benefits claimant receives is remanded to the Benefits Bureau of Iowa Workforce Development for an investigation and determination.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs