

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENNETH D SMALLCOMB**  
Claimant

**APPEAL NO. 11A-UI-00187-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/21/10**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

Kenneth D. Smallcomb filed a timely appeal from an unemployment insurance decision dated December 27, 2010, reference 01, that denied his request for retroactive benefits for the week ending November 27, 2010. After due notice was issued, a telephone hearing was held January 29, 2011 with Mr. Smallcomb participating and presenting Amber Smallcomb as a witness.

**ISSUE:**

Is the claimant eligible for retroactive benefits for the week ending November 27, 2010?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Kenneth D. Smallcomb established a claim for unemployment insurance benefits the week of November 21, 2010. He called the agency as directed on November 27, 2010 to file his weekly claim. At the end of the call, the recording advised him that he could hang up. The call, however, was not registered in the agency's benefit payment system. No benefits were paid at the time.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Smallcomb is eligible for retroactive benefits for the week ending November 27, 2010. He is. In his testimony Mr. Smallcomb accurately described the weekly call-in procedure. The administrative law judge concludes that a technical error, not an act or omission by Mr. Smallcomb, led to his call not being registered. Benefits shall be allowed.

**DECISION:**

The unemployment insurance decision dated December 27, 2010, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week ending November 27, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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