

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAVIER C GOMEZ
Claimant

APPEAL 18A-UI-04115-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/17/17
Claimant: Appellant (2)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Javier C. Gomez (claimant) filed a timely appeal from the March 14, 2018, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to February 18, 2018. After due notice was issued, a telephone hearing was held on April 25, 2018. The claimant participated. The administrative law judge took official notice of the administrative record, specifically the claimant's database readout (DBRO) and continued claims (KCCO).

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending February 17, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of December 17, 2017 and an additional claim date effective February 11, 2018. (Claimant's DBRO) When he tried to go online to file his weekly continued claim for the week ending February 17, 2018, it appears he reopened the claim, making it effective February 18, 2018, and then tried to file his weekly continued claim for the prior week, which the system would not allow him to do. The claimant has previously filed his claims over the telephone as he does not use computers and this was his first time filing over the internet. On February 25, 2018, the claimant was able to file a weekly continued claim for the week ending February 24, 2018.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.6(1) provides:

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

In order to be eligible for weekly benefits, the claimant must file a VRU or 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. Since the term “claim” is used for both the benefit year claim and the weekly claim, the claimant’s confusion is reasonable and retroactive benefits are allowed for the one-week period ending February 17, 2018, provided he is otherwise eligible. The claimant is urged to review the information in the Unemployment Insurance Benefits Handbook.

DECISION:

The March 14, 2018, reference 01, unemployment insurance decision is reversed. The claimant’s request for retroactive benefits is granted.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn