

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN P SHIRK
Claimant

APPEAL 18A-UI-05140-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/07/18
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 30, 2018, (reference 01), unemployment insurance decision that denied claimant's request for retroactive benefits. After due notice was issued, a telephone conference hearing was held on May 22, 2018. Claimant participated. Claimant's Exhibit A was admitted into the record.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending April 21, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective January 7, 2018. He filed weekly claims through the week ending March 10, 2018 and then stopped filing claims as he returned to work. Claimant was laid off again due to lack of work on Friday, April 6, 2018. He had worked the entire week and believed he would not be able to receive benefits that week because he had earned too much in wages. The claimant did reopen his claim on Friday April 6, because he knew he was required to do so since he had a break in his reporting. He did not think that his failure to file his weekly claim beginning on Sunday, April 8 would lock up his claim where he would have to reopen his claim again. When he then attempted to file his weekly claim for the week ending April 14 beginning on April 15, he learned that his claim was locked. The message he received indicated his claim had to be reopened again. The claimant thought the message was in error as he had reopened his claim on April 6. He checked the agency website and saw that his claim status was listed as being "in determination." He assumed at that point that the message instructing him to reopen his claim was wrong and his payment was being withheld while the agency determined whether he was eligible for benefits. The claimant did not check with anyone at IWD to see if his assumption that he did not have to reopen his claim was correct, or if he was required to wait until the agency "determined" his claim. When the claimant tried to file his claim again on April 22, he again received the message that he needed to reopen or refile

his claim. It was only after the claimant received the same message to reopen his claim that he contacted IWD to inquire. Claimant did not contact IWD to speak to a customer service representative until April 23. He then learned that since he had not filed a weekly claim for the week ending April 7, he had another break in reporting and his claim was locked again and had to be reopened. The claimant did not read the handbook until after he spoke with an IWD representative who explained to him why his claim was locked.

Claimant did not earn any wages for the two week period ending April 21, 2018.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.6(1) provides:

96.6 Filing — determination — appeal.

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 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.

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 they want to start collecting benefits again.** Any employment during the break must be reported.

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 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 this case, claimant was aware he needed to file a weekly claim each week he was seeking benefits. Claimant failed to file a weekly continued claim for the one week ending April 7, 2018, because he thought he had earned too much in wages that week and would not be paid anyway. Claimant did not read the handbook to understand that failing to file a weekly claim would require he reopen his claim sometime during the next week. When claimant did receive

an accurate message on April 15 that he needed to reopen his claim, he chose to believe the message was in error without contacting IWD to confirm his assumption. When the claimant saw that his claim was still being determined, he assumed that he did not need to reopen his claim. Had the claimant contacted IWD when he received the initial message or when he saw the "in determination" message, he would have learned about the break in his claim and that the message was correct that he needed to reopen his claim. Claimant failed to read the handbook and to follow the accurate instructions given to him. When he finally contacted IWD, he learned what had occurred. The claimant's failure to file his weekly claim was due to his incorrect assumptions, his failure to follow the accurate instructions given to him and his failure to read the handbook. None of those reasons are good cause for awarding retroactive benefits. Retroactive benefits are denied.

DECISION:

The April 30, 2018, (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Teresa K. Hillary
Administrative Law Judge
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Decision Dated and Mailed

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