

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHANIE E NORRIS**

Claimant

**APPEAL NO. 14A-UI-11208-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/04/14**

**Claimant: Appellant (4/R)**

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

**STATEMENT OF THE CASE:**

Stephanie Norris filed a timely appeal from the October 16, 2014, reference 03, decision that denied her request for retroactive benefits for the period of July 6, 2014 through October 4, 2014. After due notice was issued, a hearing was held on November 18, 2014. Ms. Norris participated. Exhibit A and Department Exhibit D-1 were received into evidence.

**ISSUE:**

Whether the claimant is eligible for retroactive benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Stephanie Norris established an original claim for benefits that was effective May 4, 2014. At the time Ms. Norris established the claim, she received instructions on how to make weekly claims for benefits. The claim was active for two weeks in May 2014. For those two weeks, Ms. Norris reported wages that exceeded her \$92.00 weekly benefit amount and did not receive unemployment insurance benefits. On June 5, 2014 an Iowa Workforce Development claims deputy entered an reference 01 decision that denied benefits effective May 4, 2014; based on a conclusion that Ms. Norris was not partially unemployed.

Ms. Norris established an additional claim for benefits that was effective the week that started July 6, 2014. Ms. Norris made that application for benefits on July 10, 2014 in response to a separation that occurred the day before. Even though Ms. Norris had reported to Workforce Development that her employment had ended, Workforce Development did not immediately investigate or adjudicate the separation issues. When Ms. Norris attempted to make her weekly claim for benefits, she discovered that the claim was locked. Ms. Norris did not contact Workforce Development to resolve the reporting issue until on or about August 20, 2014 at which time she learned that the claim was locked because of the June 5, 2014, reference 01, decision that had found Ms. Norris not to be partially unemployed. Ms. Norris lived in Cedar Falls at all relevant times. Though there is a Workforce Development Center located in Waterloo, Ms. Norris did not go to that Center for assistance. Ms. Norris cites her busy school schedule as the reason she did not go to the Workforce Development Center for assistance.

Ms. Norris had transportation to the Center. On or about August 20, 2014 Ms. Norris contacted a toll free number at Iowa Workforce Development and learned at that time that her claim was locked because of the June 5, 2014, reference 01, decision. In response to that information, on August 20, 2014 Ms. Norris filed an appeal from the June 5, 2014, reference 01, decision. On September 11, 2014 Ms. Norris participated in the appeal hearing that addressed the June 5, 2014, reference 01, decision that had denied benefits effective May4, 2014. On September 19, 2014 Administrative Law Judge Debra Wise entered a decision in Appeal No. 14A-UI-08789-DWT that affirmed the June 5, 2014, reference 01 decision; based on the untimeliness of Ms. Norris' appeal from the reference 01 decision. Judge Wise remanded the matter for adjudication of the issues related to the separation.

#### **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; and (6) Other information required by the department.

Ms. Norris has presented good cause to allow Ms. Norris to make a retroactive claim for benefits for the period beginning August 17, 2014 but not earlier than that. Though Ms. Norris had ready access to a local Workforce Development Center to assist her in addressing the reporting issue, she delayed taking meaningful steps to address the reporting issue until August 20, 2014. This matter will be remanded to the Benefits Bureau for determination of whether Ms. Norris met the work availability requirement since August 17, 2014.

**DECISION:**

The October 16, 2014, reference 03, decision is modified as follows. The claimant has presented good cause to allow her to make a retroactive claim for benefits for the period beginning August 17, 2014. The claimant has not presented good cause to allow her to make a retroactive claim for benefits for the period of July 6, 2014 through August 16, 2014.

This matter is remanded to the Benefits Bureau for determination of whether the claimant met the work availability requirement since August 17, 2014.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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