

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LIZANN H MARTENS
Claimant

APPEAL 17A-UI-03116-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/04/16
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:

Lizann H. Martens (claimant) filed an appeal from the March 10, 2017, reference 10, unemployment insurance decision that denied her request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for April 13, 2017. The claimant participated. Official notice was taken of the administrative record.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the seven-week period beginning January 15, 2017 and ending March 4, 2017?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective September 4, 2016, with an additional claim of March 5, 2017. The claimant successfully filed her weekly claim for benefits from the original claim date through week ending January 14, 2017. She filed her weekly claim for that week and the week before on January 20, 2017.

The claimant decided not to file her weekly claim for benefits for the week ending January 21, 2017. She waited until the Wednesday of the following week. She was unable to file her claim and received an error message that her claim had become inactive. The claimant contacted local Iowa Workforce Development (IWD) was instructed to go online and reactivate her claim. The claimant called IWD at the end of the week to speak with a supervisor. She was again directed to reactivate her claim as it had become inactive. The claimant did not try to reactivate her claim that week as she was frustrated.

The week ending February 4, 2017, the claimant attempted to reactivate her claim on Monday evening, but was unable to do so as it was outside normal business hours. She did not contact anyone until March 9, 2017 when she successfully reactivated her claim and requested retroactive benefits.

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 § 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 an online continued weekly claim for benefits 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 claimant knew she needed to file a continued weekly claim for benefits as she had filed for benefits for four months. Common sense dictates that, by its very title, a continued weekly claim needs to be filed every week. The claimant's decision to delay filing her weekly claim comes with the risk that her claim might become inactive. The claimant contacted IWD and was instructed on how to reactivate her claim; however, she failed to follow the instructions she was given. The claimant's failure to receive benefits was not due to misinformation from an IWD representative or because the online system was inoperable. The claimant has not shown good cause for failing to file her weekly continued claim. Retroactive benefits are denied.

DECISION:

The March 10, 2017, reference 10, unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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