

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TINA M MOORE
Claimant

APPEAL 18A-UI-00141-JP-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/03/17
Claimant: Appellant (4R)

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 26, 2017, (reference 02), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for January 30, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending December 16, 2017?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective December 3, 2017. Claimant requested benefits for two-week period ending December 16, 2017.

Before claimant opened her claim for benefits, she read the Unemployment Insurance Benefits Handbook online. When claimant opened her claim for benefits on December 8, 2017, she thought she had to wait a week before filing her weekly continued claim. On Saturday, December 16, 2017, claimant attempted to file her weekly continued claim for the week-ending December 9, 2017, but she was unsuccessful because it was a Saturday and she could not get into the system. Claimant was not aware that she could not file a weekly continued claim on Saturday. The deadline to file a claim for the week-ending December 9, 2017, was Friday, December 15, 2017 at 5:30 p.m.

On Sunday, December 17, 2017, claimant spoke to an individual that was also filing for unemployment insurance benefits and this person informed claimant that she could not file a weekly claim for benefits on a Saturday. The person told claimant she had to file her weekly continued claims on a Sunday. Claimant then attempted to file her weekly continued claim for the week-ending December 9, 2017, but she was unsuccessful because her claim was inactive. Because claimant did not file her weekly continued claim for one week (the week-ending

December 9, 2017), her account had locked and she was unable to file a weekly continued claim for the one week ending December 16, 2017.

On Tuesday, December 19, 2017, claimant went to her local Iowa Workforce Development (IWD) office in Des Moines, Iowa. The IWD employee explained to claimant the filing process and that because she had a break in reporting she needed to reactivate her claim. The IWD employee then helped claimant reactivate her claim. Since claimant's claim was reactivated, she has been able to successfully file her weekly continued claims.

Claimant's last day of work was December 1, 2017. When claimant received her final paycheck, dated December 15, 2017, it included a gross payment of \$1,583.90 for most of her unused vacation time. For the week-ending December 16, 2017, claimant made at least two employer contacts and was able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's request for retroactive benefits is granted for the one week ending December 16, 2017, and denied for the one week ending December 9, 2017.

Iowa Code section 96.6(1) provides:

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

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(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:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following 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.

(2) An individual claiming benefits using the weekly 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.

(3) 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 fully or partially unemployed, earned no gross 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;
6. Other information required by the department

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like “original claim” (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a “weekly continued claim” (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week (see chart below). If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

The September 2017, version of 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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

The September 2017, version of 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 September 2017, version of 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 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. On Saturday, December 16, 2017, claimant attempted to file her weekly continued claim for benefits by online web application for the week-ending December 9, 2017. Claimant was unsuccessful in filing her weekly continued claim, because it was a Saturday. Claimant's testimony that she thought she could file her weekly continued claims on Saturday is not persuasive. The Unemployment Insurance Benefits Handbook instructs claimants that when they can file their weekly continued claims and informs them they cannot file their weekly continued claims on Saturdays. Claimant was aware of the Unemployment Insurance Benefits Handbook when she opened her claim for benefits. Claimant had until December 15, 2017 to file her weekly continued claim for the week-ending

December 9, 2017. Claimant's decision to wait until Saturday, December 16, 2017 to file her weekly continued claim was a personal decision. Therefore, claimant has failed to show a good cause reason for failing to file a weekly continued claim for the week-ending December 9, 2017 and the request for retroactive benefits for the one week ending December 9, 2017 is denied.

It is noted that claimant's deadline to file her weekly continued claim for the week-ending December 9, 2017 was Friday, December 15, 2017 at 5:30 p.m. Because claimant failed to file her weekly continued claim by this deadline, her claim was locked. Claimant did not become aware her claim was locked until Saturday, December 16, 2017. Because her claim was locked due to a break in reporting, claimant was therefore unable to successfully her weekly continued claim for the week-ending December 16, 2017. In order for claimant to have been able to successfully file her weekly continued claim for the week-ending December 16, 2017, she would have had to reactivate her claim by December 15, 2017 at 4:30 p.m. However, because claimant's claim was not yet locked on December 15, 2017 at 4:30 p.m. (claimant's claim did not lock until 5:30 p.m. on December 15, 2017), it was impossible for her to reactive her claim because there was no locked claim for her to reactivate. Therefore, claimant has shown a good cause reason for failing to file her weekly continued claim for the one week ending December 16, 2017. Claimant's request for retroactive benefits for the one week ending December 16, 2017 is granted.

DECISION:

The December 26, 2017, (reference 02) unemployment insurance decision is modified in favor of the appellant. Claimant's request for retroactive benefits is granted for the one week ending December 16, 2017, and denied for the one week ending December 9, 2017.

REMAND: The vacation pay issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview, initial determination, and unemployment insurance decision.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs