

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JORGE I VALENCIA
Claimant

APPEAL 18A-UI-04153-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/29/17
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:

Jorge I. Valencia (claimant) filed an appeal from the April 3, 2018, reference 02, unemployment insurance decision that denied his request for retroactive benefits. After due notice was issued, a telephone conference hearing was held on April 26, 2018. The claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the four-week period ending March 31, 2018?

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 October 29, 2017, with a reopened claim on April 1, 2018. He did not file weekly continued claims for benefits for the four-week period ending March 31, 2018. The claimant was in another state for a job interview the week of March 11, 2018 and was unable to file a weekly continued claim for the week ending March 10, 2018.

On March 20, 2018, he attempted to file a weekly continued claim for the week ending March 17, 2018; however, his claim had become inactive due to missing the prior week's claim. He contacted Iowa Workforce Development (IWD) who advised him to reactivate his claim for benefits. The claimant attempted to reactivate his claim. He did not receive a confirmation email stating his claim had successfully been reactivated. He did not contact IWD or attempt to further verify his claim had been reactivated.

The claimant attempted to file a weekly continued claim on March 26, 2018, but was unable to do so as his claim had not been reactivated. The claimant contacted IWD on April 2, 2018 to discuss the issue. At that time, he successfully reactivated his claim for benefits and made a request for retroactive benefits for the weeks he had missed.

The claimant has only read parts of the Unemployment Insurance Handbook. In prior claim years, he had been allowed to file for two weeks at a time and delay in filing his weekly continued claim.

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 a weekly 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 Handbook in effect when the claimant filed his claim for benefits, states on page 20 with regard to Filing Weekly Claims:

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed through 5:30 p.m. for the prior week only. This means individuals have six days to file the previous week's claim...

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 a confirmation, the process must be repeated until the claim has been successfully submitted.

The Unemployment Insurance Handbook at page 13 and 14 explains how to file a claim for benefits, stating in relevant part:

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.

...

Reactivating a Claim

An individual can start and stop claiming 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 claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook is not considered a good reason for having failed to file weekly continued claims. Additionally, the claimant's inability to access the filing system when not related to the

system being inoperable is not a good reason. Finally, the claimant did not receive incorrect advice from IWD; rather, he did not timely act upon the advice from IWD to resolve his issues in a timely fashion and properly reactivate his claim. The claimant has not presented good cause for failing to file his weekly continued claims for benefits. Retroactive benefits are denied.

DECISION:

The April 3, 2018, reference 02, unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn