

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EDITH R MILLER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 16A-UI-06599-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/15/16
Claimant: Appellant (4)

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 June 10, 2016, (reference 04), unemployment insurance decision that denied her request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on June 29, 2016. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed a claim effective May 15, 2016. Claimant filed her initial application online, but something went wrong. Claimant was unable to gain access to a pin number for filing her weekly claim and was not offered a paper or electronic copy of the UI benefits handbook. Thus, claimant did not initially realize she was required to file a weekly continued claim. Claimant did not make any job contacts or file a weekly claim during the week ending May 21, 2016.

During the week ending May 28, 2016, claimant attempted to access her online account but was unable to do so. Claimant then called into the agency to inquire about her claim and was informed she was required to make two job contacts per week and file a weekly continued claim. Claimant was provided with a temporary pin number. Claimant began making two job contacts each week. However, the temporary pin number the agency provided did not allow claimant access to file her weekly continued claim. Claimant made two job contacts and attempted to file a weekly claim during the weeks ending May 28 and June 4, 2016. Claimant earned no wages during those weeks.

Claimant called customer service six to eight times before a representative was able to help her successfully access her online account on June 9, 2016. Claimant has successfully filed on-line continued weekly claims thereafter.

REASONING AND CONCLUSIONS OF LAW:

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

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 VRU or online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits.

Claimant's assumption she would not have to file continued claims and failure to inquire with IWD until the week ending May 28, 2016, about problems with her initial online application for benefits is not considered a good cause reason for having failed to file weekly VRU/online web application continued claims during claimant's first week of unemployment. Additionally, even if claimant had shown good cause for failing to file a weekly claim during her first week of unemployment, she did not make two job contacts during that week. Thus, claimant is also ineligible for benefits during the week ending May 21, 2016, for failing to make an adequate work search. Retroactive benefits are denied through May 21, 2016.

However, since the Workforce Advisor(s) did not offer full or accurate advice to claimant to allow her to file her weekly continued claims before the end of the week ending May 28 and June 4, 2016, there was ongoing difficulty with the automated system, and claimant made adequate work searches, retroactive benefits are granted for the two-week period ending June 4, 2016.

DECISION:

The June 10, 2016, (reference 04) unemployment insurance decision is modified in favor of appellant. Retroactive benefits are denied through May 21, 2016. Retroactive benefits are granted for the two-week period ending June 4, 2016.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/pjs